FEDERAL FAILURES:
THE OHIO-MICHIGAN BOUNDARY DISPUTE

Stephen W. Badenhop

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Committee:
Edmund J. Danziger Jr., Advisor
Andrew M. Schocket
The Ohio-Michigan boundary dispute, that reached a climactic point in the mid 1830s, was the product of congressional neglect and oversight. Congress through the establishment of the Northwest Ordinance, with its inflexible boundary lines, and the formation of the State of Ohio and the Michigan Territory, with an undefined boundary between the two, created a bitter jurisdictional boundary dispute between Ohio and Michigan. For over thirty years Congress failed to correct this terrible mistake while Ohio and Michigan continually pleaded for a resolution. The resulting “Toledo War,” where Ohio and Michigan sought to remedy the boundary problem themselves through force, was the fruits of this congressional disregard. Only presidential intervention prevented bloodshed and the continuing threat of armed conflict finally forced Congress to address the issue. This longstanding failure of Congress to intercede, mediate and resolve the controversy almost resulted in an interstate war; the results of which can be firmly placed in the hands of Congress.
ACKNOWLEDGMENTS

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CHAPTER 1  
INTRODUCTION: BOUNDARY DISPUTES & THE ORDINANCE LINE

Slowly and rhythmically the man strode up and down muddy Front Street in the village of Perrysburg in Wood County, Ohio, near the Michigan Territorial line, beating a drum. Perrysburg, the Wood County seat of justice, was situated at the head of major navigation on the Maumee River and contained 250 inhabitants, a courthouse, a jail, two stores, two taverns, a school house and approximately sixty houses. Perrysburg in 1835 was the largest settlement in northwest Ohio lying just outside of the “impenetrable” Great Black Swamp to the southwest, which covered most of the region.\(^1\) The man, Odle as he was known, wore an old green rifleman’s uniform with black lace trim and atop his head was a large white felt hat with a narrow brim with a strip of paper pinned to it proclaiming “recruiting for the war.” He marched through the quiet village for several days beating his drum from morning to night while another militiaman bore an American flag alongside, trying to marshal the patriotic spirits of the inhabitants to help fight the northern aggressors.

Common Pleas Judge David Higgins, a nervous and somewhat irritable man, grew annoyed at the continual drumming during the court’s session and sent the sheriff outside to stop it. Odle was unconvinced of the sheriff’s or the court’s authority over him and continued to beat the drum. Upon hearing the news the judge’s eyes “flashed lightning,” and he ordered the sheriff to arrest the man and his commanding officer at once for defying him and the court’s power. Captain J.A. Scott, Odle’s immediate superior, was also skeptical of the court’s authority over military matters and refused to stop the music. The judge roared out “Mr. Sheriff, take Captain

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\(^1\) The Ohio Gazetteer, or, Topographical Dictionary: Being a Continuation of the Work Originally Compiled by the Late John Kilbourn (Columbus: Scott and Wright, 1833), 367; see Martin R. Kaatz, “The Black Swamp: A Study in Historical Geography” Annals of the Association of American Geographers, vol. 45, no. 1, (1955), 1-35.
Scott and his music organ to jail and lock them up. Mr. Prosecuting Attorney, draw up an information against these men for contempt of court.”

The sheriff executed the order and on the way to the jail a confrontation occurred between civil and military authority. The captain told the sheriff that in a state of emergency the military authority was in control, and if the sheriff persisted Scott would declare martial law and “do with him and Judge Higgins as General Jackson did with Judge Hall at New Orleans, put them both under arrest.” The sheriff retreated and reported the incident to Judge Higgins, who merely continued on, “as if nothing unusual had happened.” The episode drew so much attention that Odle and Captain Scott had no problem thereafter raising volunteers. The drumming ceased.²

This confrontation in April, 1835, was a small yet revealing part of the confusion, uncertainty and conflict that characterized the long history of the Ohio-Michigan boundary controversy. None of the parties – Ohio, Michigan, Congress, or the President of the United States – knew precisely how to handle or settle this long-standing quarrel between the State of Ohio and the Territory of Michigan. Ohio stubbornness, Michigan militarism, congressional indecision and presidential unwillingness to solve the dispute had brought both Ohio and Michigan to the brink of border warfare. Congress was the chief instigator in the affair. It had created, ignored and failed to mediate the Ohio-Michigan boundary dispute until the State of Ohio and the Territory of Michigan beat the drums of war. The controversy included the larger issues of political solidarity in a partisan environment, states rights versus territorial rights and state sovereignty versus federal sovereignty. The Ohio-Michigan confrontation also touched

² The above story is taken from Willard V. Way, The Facts and Historical Events of the Toledo War of 1835, as Connected with the First Session of the Court of Common Pleas of Lucas County, Ohio (Toledo: Daily Commercial Steam Book and Job Printing House, 1869), 14-17. Way served as the Prosecuting Attorney for Wood County during the court session.
upon the powers of the Congress and the President: what they could and could not do to resolve border questions and what powers they possessed over territories.

These issues and questions resulted in Odle beating his drum throughout Perrysburg to raise volunteers to fight Michigan in order to assert Ohio’s version of the boundary. The whole episode “was the occasion,” in the words of Toledo native and community leader Benjamin Stickney, “of a very great noise in Ohio and Michigan, and in fact, I may say, throughout the United States.”³ He could not have fathomed how correct he was; the “great noise” included the nation’s presses: from the mountains of New England in the *Vermont Patriot and State Gazette* and the tobacco fields of the South in the *Virginia Free Press* to the glistening waters of the Gulf of Mexico in the *New-Orleans Commercial Bulletin*. Thus did the country wait and wonder if Ohio and Michigan would come to blows over their boundary.

Boundary controversies were nothing new to the United States; inaccurate surveying, poor maps, and vague boundary descriptions had skewed state boundaries since the mid 1600s.⁴ The new United States government could have mediated such disputes, since the Constitution vested the Supreme Court with the power to settle “Controversies between two or more States.” In the case of Ohio and Michigan, Ohio was a state but Michigan was a territory and therefore not allowed to file suit under this stipulation. Meanwhile, the court in the early nineteenth century still sought to define and understand its power and role in government. This left the states to settle unresolved boundary issues, usually peacefully with the help of joint commissions and survey parties.

Such solutions were commonplace, because the areas in dispute were usually small and scarcely populated. Connecticut and Massachusetts settled their 1695-1826 north-south

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boundary controversy through a commission. The Virginia and Tennessee border along with the South Carolina and North Carolina boundary difficulties were resolved likewise in 1802 and 1815 respectively through both compromise and joint commissions. Almost every state in the union suffered from some sort of boundary controversy with its neighbors that were decided through nonviolent means. In later years the Supreme Court became the mediator in boundary problems. These included *Rhode Island v. Massachusetts* (1846), *Iowa v. Illinois* (1893), *Georgia v. South Carolina* (1922), *Vermont v. New Hampshire* (1933), and *New Jersey v. Delaware* (1934). Between the years 1937 and 1975 the Supreme Court settled approximately seventeen boundary disputes between states.\(^5\)

In the 1906 case of *Louisiana v. Mississippi* the court established the precedent of “long acquiescence.” Its opinion stated “the question is one of boundary, and this court has many times held that, as between the states of the Union, *long acquiescence* in the assertion of a particular boundary and the exercise of dominion and sovereignty over the territory within it should be accepted as conclusive.”\(^6\) This ruling helped alleviate the problems for local inhabitants associated with moving a boundary. Such a change would alter a person’s residence, taxes, legal jurisdictions and everything else connected with a move to another state.

Amicable settlements were not always possible. Colonial and early republic America were the scenes of some bitter boundary disputes among states. Issues between New York and Massachusetts resulted in each side’s citizens engaging in minor warfare. The English Board of Trade finally drew a “line of peace” in 1757 to end this problem. A similarly-complicated boundary problem broke out between New York and New Hampshire in the area surrounded by

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the Hudson and Connecticut Rivers. New York’s poor governance of the area, the lack of law and order and the alienation of local citizens resulted in the serious frustration to the region’s occupants. They responded by declaring independence and formed the State of Vermont to the great annoyance of New York. The ensuing border war found Ethan Allen and the Green Mountain Boys using “weapons of terror” as the tools to assert Vermont’s independence. Crops, forests, barns and even homes were set ablaze, while New York’s continued ineptitude finally forced the state legislature to begrudgingly recognize Vermont’s independence.\(^7\)

These border wars were conducted through local zealots and citizens. Others were fought through organized state-sponsored force – state militias. Connecticut and New York waged a long dispute over their boundary, which resulted in the calling out of the Connecticut militia in 1675. No shots were fired, but New York and Connecticut jointly negotiated the boundary after Connecticut’s demonstration of force.\(^8\) A similar episode occurred in the early American republic which intensified the force of arms solution and set a dangerous precedent for the future.

The “Walton War” broke out in 1803 between Georgia and North Carolina over their border. Georgia asked Congress to settle the question, but it refused to take part. The states were thus left to use their own means to resolve the problem. North Carolina sent its militia into the disputed area in 1810, and when the Georgia militia entered what North Carolina believed to be its territory, the militia greeted the Georgians with a volley of lead. The “Walton War” came to an end in early 1811 with North Carolina victorious by force of arms.\(^9\)

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\(^9\) Gary A. Smith, *State and National Boundaries of the United States*, 68-69; see Marvin L. Skaggs, *North Carolina Boundary Disputes Involving Her Southern Line* (Chapel Hill: The University of North Carolina Press, 1941);
and “might making right” created a dangerous precedent for the future. This was the first serious border dispute that erupted into organized violence in the nation’s history. It also showed congressional unwillingness to become involved in boundary issues.

Odle beating his drum through the streets of Perrysburg was the next phase in violence over boundary issues. Both Ohio and Michigan adamantly refused to retreat from their positions, each claiming their position was right and the other was wrong. Most boundary disputes were fought over small sparsely populated tracts of land of little economic or political advantage. This made such controversies minor quibbles and affairs. In the case of Ohio and Michigan, the prize to be gained was what caused it to escalate out of control to the point of open conflict.

The focal point of their bitterness centered on the village of Toledo, with approximately 1,200 inhabitants, located where the Maumee River flowed into Lake Erie. Throughout the 1820s and 1830s a canal boom had enveloped the United States following the completion of the Erie Canal through New York. Ohio caught the canal fever in 1825 and began constructing canals to connect the Ohio River to Lake Erie, thereby connecting the Great Lakes to the Gulf of Mexico via the Ohio and Mississippi Rivers. Indiana likewise had begun building canals to improve transportation along its river systems and had received approval from Congress on March 2, 1827, to construct a canal along the Wabash River. This act intended to connect the waters of Lake Erie with the Ohio River through western and northern Indiana. To do this the canal had to run through the northwestern part of Ohio.

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In 1834, Ohio and Indiana came to a joint agreement about the completion of a canal with a terminus at Lake Erie. The best route was along the Maumee River. It was also determined that the developing port of Toledo would be the most suitable end point of a canal. The economic advantages of such a destination were countless, and the village would undoubtedly become a major economic and industrial center. “It was evident,” claimed Benjamin Stickney, “that where the united canals [Wabash and Erie Canal and Miami and Ohio Canal], which traversed the two richest valleys in the west, terminated, a great commercial city must arise. The idea that Michigan should control this location--this great distributing office of the commerce of the west, was not to be endured” by Ohio. “Ohio wanted it, to develop it--Michigan wanted it, to prevent its development. She was aware that if properly improved, it would injure Detroit and ruin Monroe.” The issue of Toledo, and whether it lay in Ohio or Michigan, became a major point of contention.

The origin of the problem began in the summer of 1787, when the Continental Congress drafted the Northwest Ordinance. Devising a plan for the division and governance of the Northwest Territory had baffled Congress since 1780. Thomas Jefferson proposed that the Northwest “be divided into distinct states” constructed from parallel and meridian lines, so that the future states would have predetermined boundaries that would help alleviate future boundary disputes. This proposal was later embodied in the Ordinance of 1784, which called for the creation of ten separate states in the territory northwest of the Ohio River. Jefferson’s protégé James Monroe saw some fundamental flaws in this plan.

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Monroe believed that western interest would be “opposed” or “little connected” to eastern interests. Therefore, the creation of many western states would subvert the eastern states interest that he and many of his fellow congressmen supported. He also saw that “a great part of the territory is miserably poor, especially that near lakes Michigan & Erie & that upon the Mississippi & the Illinois, consists of extensive plains wh[ich] have not had from appearances & will not have, a single bush on them, for ages.”¹³ He logically concluded then that reducing the number of western states would spur their growth and development, while numerically keeping the eastern states dominant in national politics. Monroe thus highlighted the problems he saw with the numerous states Jefferson had proposed and began advocating fewer and larger states.

Other representatives had second thoughts about the 1784 Ordinance. Arthur Campbell and Rufus King both expressed desire for the states to have more “natural” boundaries and were also apprehensive about the “very unequal” division of the states in regard to the rivers running through them.¹⁴ Their concerns along with others forced Congress to re-evaluate the previous Ordinance. Shortly thereafter a special committee on the western lands reported and found that some of the proposed division[s] of the western Country cannot…be, in any degree practicable, conformable to the Natural boundaries of it, or for the interest of the Confederacy; according to this plan some States must be so situated as to have no advantages of Navigation; some inconveniently divided by rivers, lakes and mountains, and many of them must probably contain a large proportion of barren and unimprovable lands.

The committee also called for the repealing of the provision of the Ordinance of 1784, which described the state boundaries.\(^\text{15}\)

On July 7, 1786, Monroe’s idea for fewer and larger states prevailed. The proposed resolution in final form encompassed all of Monroe’s previous arguments, aspirations and expectations. It cautiously recommended that in regard to state boundaries “due attention ought to be paid to natural boundaries” and a need for “a more perfect knowledge of the country.” The resolution also divorced Congress from Jefferson’s small states idea and tied governmental policy to Monroe’s large state ideology. Congress through it acknowledged Monroe’s concerns for the geographical difficulties in state creation.\(^\text{16}\)

Immediately after the committee’s original proposition, Virginian William Grayson made a motion on the establishment of boundaries for future states. His recommendation proposed that three states be formed “between the Ohio [River] and a line running due East from the Mississippi to the eastern boundary of the United States, so as to touch the most southern part of lake Michigan.” This established an east-west line as a division between the northern and southern states in the territory. Grayson’s amendment failed eight to four with all the Northern states in opposition.\(^\text{17}\) It was this exact line that would later become the Ordinance Line and the highly contested line between Ohio and Michigan.


The fixed state boundaries Grayson proposed were based in large part on geographical considerations. Grayson’s scheme intended to give each of the three southern states of the territory a major river system in its entirety, so the states could have complete control and use over them. The mouth of the Great Miami River was chosen as the western boundary of the eastern-most state to ensure that the entire river lay in that proposed state. The mouth of the Wabash River was picked for the same reason, and thereby guaranteed the middle state the entire length of that important river. The Mississippi River was the western boundary of the western-most state and served as its principle river. All three states also shared as their southern borders the all-important Ohio River, which provided an avenue to the Mississippi River and the port of New Orleans. These lines spoke to the call by some Congressmen for more “natural” boundaries for future states and took geography into boundary drawing consideration.

Geography played a similar role in the construction of the east-west line but was ultimately less of a factor. Lake Michigan served as a natural divide between the two northern states; therefore a line drawn through the lake’s southern most point logically split the northern two states apart and consequently provided an equally simplistic division of the northern tier of states from the southern tier of states. Grayson’s suggestion was nevertheless rejected; Congress
admitted in its adopted resolution, that “a more perfect knowledge of the country, so as to provide for the future growth and prosperity of each state” was needed before any permanent structure could be decided upon.\textsuperscript{18}

Many Congressmen believed the idea of forming “certain boundaries” was an eventual necessity, but the desire for a “more perfect knowledge” prevented it from occurring. David Howell, during the debates on the Ordinance of 1784, argued for the establishment of “certain boundaries,” because “settlers will always readily know in which of the states they are, for the states are to be named as well as numbered” and this would allow settlers to proceed more aptly and quickly in the “business” of forming state governments. This would also alleviate future jurisdictional controversies, as the boundaries would already be drawn and the jurisdictions of the various states and territories made evident. “Exemption from controversy on account of bounds,” Grayson wrote to George Washington, would cause “emigrants from all parts of the world” to settle in the western territory.\textsuperscript{19} Therefore, predetermined state boundaries would prevent future boundary disputes, enhance settlement and speed-up the statehood process – all of which were the ultimate objectives of Congress for the Northwest Territory.

A year later on Monday, July 9, 1787, Congress appointed a committee composed of Edward Carrington of Virginia (chair), Nathan Dane of Massachusetts, John Kean of South Carolina, Melancton Smith of New York and Richard Henry Lee of Virginia to “report on temporary government of the western territory.” Two days later, the committee reported “an Ordinance for the government of the territory of the United States North West of the river Ohio.”

Proposed article five contained boundary provisions (see Appendix 1). It established fixed boundaries for the future states of the Northwest Territory. Most importantly for the future states of Illinois, Indiana, Michigan and Ohio it divided the northern and southern tiers of states in the territory by “an east and west line drawn through the southerly bend or extreme of lake Michigan.” On July 13, 1787, just two days after the initial reading, the Ordinance was passed eight votes to none and it became the celebrated and revered Northwest Ordinance.20

The boundary lines apparently were derived from John Mitchell’s map “of British and French dominions in North America with the roads, distances, limits and extent of the settlements” of 1755. The Senate Judiciary Committee in 1836 reported that Mitchell’s map was “considered everywhere as a map which, in reference to the Northwestern Territory, had no superior for accuracy,” and was “alleged to have been the very map relied on by Congress. . .” Amateur historian Jacob Burnet, Ohio Supreme Court Justice (1821-1828) and United States Senator from Ohio (1828 to 1831), wrote in 1847: “On a map in the Department of State, which was before the committee of Congress, who formed the Ordinance, for the government of the Territory. . . there was a pencil line passing through the southern bend of the Lake [Michigan] to the Canada line;” this pencil drawn line was the Ordinance Line. Such a claim has been viewed as “apocryphal,” but its meaning was significant.21 A single line drawn across the map, as Burnet suggests, meant the line was placed relatively easily. There was no mention of aborted line attempts on the map. There was only one. This implied that Grayson’s line was acceptable

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to all or at least a majority of the committee members and eventually satisfactory to Congress. Thus the infamous Ordinance Line came to be.

The problem was, as Ohioans diligently pointed out, that the maps from the time period, specifically the 1755 Mitchell map, clearly placed the mouth of the Maumee River south of an east-west line through the southerly bend of Lake Michigan. This positioned the mouth of the river in Ohio. No fewer than twenty-five maps published between 1755 and 1828 similarly located the mouth of the Maumee south of the Ordinance Line. The same Senate committee that reported the use of the Mitchell map in the writing of the Northwest Ordinance cited eleven other maps that situated the entrance of the Maumee River and Toledo in Ohio. The only the exception to this was inventor John Fitch’s 1785 *map of the northwest parts of the United States of America*, which almost accurately positioned Lakes Michigan and Erie, and therefore correctly placed the mouth of the Maumee River north of an east-west line. The question then became one of the intent of the Northwest Ordinance and its authors.

The Northwest Ordinance became the territorial policy of the United States upon its creation and remained so until Ohio and Michigan forced a re-examination of it. The problem was that in 1787, when the Ordinance was written, no one in Congress knew exactly where the

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southerly bend of Lake Michigan was and what a line drawn through it would look like and mean for the states both north and south of that line. Congress had successfully laid the foundations of the Ohio-Michigan boundary dispute with its predetermined and seemingly inflexible boundaries. In the years ahead negligent congressional oversight would only exacerbate the problem.
CHAPTER 2
CONTROVERSially AMBIGUOUS LINES

Congress, through the creation of the rigid Northwest Ordinance, had formed an east-west boundary line of an uncertain position. In the years following the Ordinance’s conception, Congress would only worsen the situation: altering the Ordinance boundaries in the states of Indiana and Illinois and creating overlapping jurisdictions between the state of Ohio and the Michigan Territory. These problems began a long, arduous, thirty year campaign by Ohio and Michigan to have Congress remedy their boundary problem. Congress proved to be unwilling to fully resolve the dilemma. The questions of boundaries and locations, which the Ordinance sought to preempt, became pressing issues when the formation of the “eastern state” of the Northwest Territory brought the boundary stipulations of the Northwest Ordinance into the forefront of national and territorial politics.

For years Federalist Arthur St. Clair had served as territorial governor to the great disdain of local Democratic Republicans. Centered around the town of Chillicothe, they hoped to remove themselves from autocratic Federalist rule through statehood. St. Clair, too, realized that the territory would eventually have to be split into eastern and western fractions, so that the governmental processes of the Northwest Territory could continue onwards. He also planned to divide the territory in such a way that statehood would be postponed for as long as possible and weaken Democratic Republican power in the Scioto River Valley.

St. Clair devised a plan to divide the territory and the Democratic Republicans with a line running north from the mouth of the Scioto River. This would help ensure that Federalist power centers in Marietta and Cincinnati would remain dominant and delay statehood for the eastern
territory for many years. Ohio Republicans reacted vehemently and demanded the division laid forth in the Northwest Ordinance. Republican William Henry Harrison, Congressional delegate from the Northwest Territory, with the assistance of Republican Thomas Worthington, thwarted this plan in Congress. On May 7, 1800, Congress passed a bill dividing the territory by a line running north from the mouth of the Kentucky River, west of Cincinnati, to Fort Recovery and thence north to Canada.\(^1\) The eastern division remained the Northwest Territory and the western area became the Indiana Territory.

This line varied from those specified in the Ordinance which called for the western boundary of the eastern state to be a “direct line drawn due North from the mouth of the great Miami” but came very close to those specifications. In 1801, St. Clair and the “Cincinnati-Marietta coalition” pushed through the territorial legislature a bill dividing the territory once again along the Scioto River and altering the Northwest Ordinance upon the “consent” of Congress. The Chillicothe Democratic Republicans quickly responded declaring that the Ordinance “has ever been considered and acknowledged as the Constitution of the Territory” and that the boundaries in Article V of the Ordinance are “fixed and established” and therefore “must forever remain unalterable.” An upset Thomas Worthington wrote to President Thomas Jefferson stating that St. Clair had “attempted to effect the dismemberment of the Territory and to destroy its constitutional boundaries” as prescribed in the Ordinance.\(^2\) All this was done, Ohioans claimed, to delay their statehood as long as possible.

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\(^1\) George W. Knepper, *Ohio and Its People* (Kent: The Kent State University Press, 2003), 86-87; Randolph C. Downes, “Frontier Ohio, 1788-1803,” in *Ohio Historical Collections*, vol. 3 (Columbus: The Ohio State Archaeological and Historical Society, 1935), 171-176.

Congressional Republicans listened attentively to these complaints. After little debate Congress rejected the St. Clair-backed division bill resoundingly eighty-one to five. It also became apparent to Congress that the territorial government, in an effort to perpetuate their positions and longevity in office, would not favor the advancement toward statehood and would therefore try to prevent it. Maryland Congressmen Joseph Nicholson claimed “if the government of the Territory were to remain organized as at this time, I believe we might wait till doomsday, before we obtain their approbation” for statehood. Congress therefore resolved to bypass the state legislature and granted Ohio an Enabling Act to hold a constitutional conventional so it could apply for entrance into the federal union.

The Chillicothe Republicans had successfully argued the boundary regulations set forth in the Ordinance and their inviolability. Congress as Federalist opponents later pointed out, was “usurping” their powers and the articles in the Ordinance by passing the Ohio Enabling Act. Congress assumed the leadership position because the Ordinance was vague in outlining the statehood procedures, and the territorial government wished to see it delayed. Congress, upholding the Chillicothe clique’s position, reinforced the Ordinance’s “constitutional” authority while at the same time taking the statehood reins away from the territorial government. This undermined the Ordinance at the same time.

The “act to enable the people of the eastern division of the Territory Northwest of the river Ohio to form a constitution and State government” specified, in section 2, that the future state would be bound on the north by “an east and west line, drawn through the southerly extreme of Lake Michigan,” but Congress reserved the right to re-attach the territory north of the

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4 Onuf, Statehood and Union, 79.
line back to Ohio “or dispose of it otherwise, in conformity to the fifth article” of the Northwest Ordinance.

Through this act Congress gave the proposed state the boundaries specified in the Ordinance. At the same time Congress reserved the right to give Ohio at a later time the area north of the state’s northern boundary and east of Ohio’s western boundary if that line was continued north to Canada that was if Congress decided not to form a state or states north of Ohio’s northern boundary. Through this act Congress arbitrarily shifted Ohio’s territorial boundaries; the boundaries described for the future State of Ohio were different from Ohio’s territorial boundaries. This meant that territorial boundaries would not necessarily become state boundaries.

INDIANA TERRITORY CREATION & OHIO STATEHOOD

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The people of Detroit in Wayne County, a Federalist stronghold, protested the decision to exclude them from the new state. This prompted St. Clair to remark that they had been “bartered away like sheep in a market.” Congress recognized that Wayne County could later be incorporated into either a new state or rejoined with Ohio. Congress did not have the power to form another state out of “parts of States, without the Consent” of the state legislature, therefore if Wayne County was attached to Ohio Congress could not later remove it from Ohio. The idea that Wayne County could be attached to Ohio and violate the east-west line of the Ordinance should not be overlooked, because Congress reserved the right to re-attach that portion of the Northwest Territory to Ohio or “dispose of it otherwise.”

The Ohio constitutional convention proceeded with its work under the specifications of the Enabling Act. Delegates accepted the Congressional-derived boundary lines in accordance with the Ordinance until a man who claimed extensive knowledge of the region remarked to some of the members that Lake Michigan extended further south than was “generally supposed.” This caused the members much consternation. Put into question was whether the mouth of the Maumee River would be in Ohio. The constitution included, therefore, a proviso in Article VII, section 6. The provision declared that if the northern boundary did not include the mouth of the Maumee River then “with the assent of the Congress. . . the northern boundary of this State shall be established by. . . a direct line running from the southern extremity of Lake Michigan to the most northerly cape” of Maumee Bay. Ohio prepared itself in case the mouth of the Maumee

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6 New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress, U.S. Constitution, Article 4, Section 3; Emilius O. Randall and Daniel J. Ryan, History of Ohio: The Rise and Progress of an American State, vol. 3 (New York: The Century History Company, 1912), 122; Annah M. Soule, “The Controversy over the Ohio-Michigan Boundary,” The Ohio-Michigan Boundary (Columbus: The Ohio State Reformatory, 1916), 72.

7 Benjamin F. Stickney later claimed that the influential individual at the Ohio constitutional convention was “a man by the name of Wells, who had been long a prisoner with the Indians residing in this region,” Hosmer and Harris,
River was not in Ohio according to an east-west line drawn through the southerly bend of Lake Michigan.

On December 23, 1802, Nathaniel Macon, Speaker of United State House of Representatives, presented a letter from Thomas Worthington enclosing a copy of the Ohio constitution. The letter also included amendments passed by the convention “containing certain propositions” for congressional consideration. This was the first time a portion of the Northwest Territory had applied for statehood, and Congress was unsure how to proceed. After minor debate in both houses, “an act to provide for the due execution of the laws of the United States, within the State of Ohio” was passed on February 23, 1803, and signed seven days later by President Thomas Jefferson.⁸

At the same time a House committee, chaired by Virginian John Randolph, noted that there were several aspects of the Ohio constitution that were not the same as the Enabling Act. The result was another bill entitled: “An Act in addition to, and in modification of the propositions contained in the Act entitled an act to enable the people of the eastern division of the Territory Northwest of the river Ohio, to form a constitution and State government for the admission of such State into the Union, on an equal footing with the original States, and for other purposes.”⁹ Ohio’s boundary proviso was not included in the final act.

In Randolph’s official report to the House, the committee wrote that the proviso was not considered for two reasons: it depended on “a fact not yet ascertained” and it was not “submitted in the shape of the other propositions.” Congress nevertheless accepted the Ohio constitution

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including the proviso without either assenting or rejecting it.¹⁰ This proviso would be a serious point of contention between Ohio and Michigan. The Congressional committee report, Michigan later claimed, refuted Ohio’s case that upon accepting Ohio’s constitution with the proviso Congress had given its assent.

The former areas of the Northwest Territory not incorporated into Ohio were attached to the Indiana Territory. Ohio Senator Thomas Worthington, to further placate the citizens of Wayne County who were left out of Ohio, promised to create a separate government for the peninsula of Michigan. This took almost two years, but on January 11, 1805, Thomas Jefferson signed the “Act to divide the Indiana Territory into two separate Governments.” The southern boundary of the new Michigan Territory was described as a “line drawn east from the southerly bend, or extreme, of Lake Michigan, until it shall intersect Lake Erie.”¹¹ Congress neither assenting or rejecting the Ohio boundary proviso, and then giving Michigan the southern boundary as set forth in the Ordinance, had unwittingly created the future Ohio-Michigan boundary dispute.

¹⁰ House Journal, 7th Congress, 2nd Session (Washington D.C.: Gales and Seaton, 1826), 393; Appeal by the Convention of Michigan, to the People of the United States; with other Documents in Relation to the Boundary Question between Michigan and Ohio (Detroit: Sheldon M’Knight, Printer, 1835), 19; Soule, “The Controversy over the Ohio-Michigan Boundary,” 74.
¹¹ Lane, 24-26; Annals of Congress, 8th Congress, 2nd Session (Washington D.C.: Gales and Seaton, 1852), 1659.
Four years later Congress passed another act dividing the Indiana Territory. This measure created the Illinois Territory and specified its eastern boundary as “a direct line drawn from the said Wabash river and Post Vincennes, due north to the territorial line.” The description of this line was taken from Article V of the Ordinance verbatim. The boundaries in the Ordinance were used as the guidelines in the formation of both the Michigan Territory and Illinois Territories. However, when Congress granted Indiana its enabling act, the western boundary was modified slightly. Indiana would be bound “on the west by a line drawn along the middle of the Wabash from its mouth, to a point where a due north line, drawn from the town of Vincennes, would last touch the northwestern shore of the said river; and from thence, by a due north line.”

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This line did not violate the Ordinance so much as the northern boundary would. It was described as an east-west line “drawn through a point ten miles north of the southern extreme of Lake Michigan.” The bill with boundary changes was passed in the House on March 30, 1816, by a vote of 108 to 3. On April 13 the bill with the sponsorship of Jeremiah Morrow of Ohio passed the Senate, with little or no debate. Michigan protested the change, but no action was taken. Here the boundaries stipulated in the Northwest Ordinance were violated, a minor breach, but still a clear infringement upon the “compact articles” of the Ordinance. The adjustment of the northern border gave Indiana valuable lake ports in the north that it otherwise would not have had. The inviolability of the Ordinance’s boundaries, that Michigan would later claim, had already been modified with Indiana’s enabling act and would only be further complicated.

On January 16, 1818, Illinois territorial delegate Nathaniel Pope presented Congress with a memorial for statehood. A week later Congress passed an enabling act for the formation of a state constitution. The northern boundary was adjusted to 42°30’ north latitude, an extension of nearly forty miles north of the southerly extreme of Lake Michigan. The reason for this was the same as Indiana’s: to give the future state lake ports, including the small wilderness outpost of Chicago. Later a report from the House Committee on the Territories in 1828 stated that it was the intention of the Ordinance that the states formed out of the Northwest Territory “should enjoy equal benefits of access to the bordering lakes.” Once again the Ordinance was violated, but little or no debate occurred on this section of the Illinois Enabling Act. Congress passed the bill on April 18, 1818, and on December 3, 1818, Illinois was admitted to the Union with a

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northern border forty miles north of the Ordinance Line.\textsuperscript{14} The territory left out of the state of Illinois was transferred to the Michigan Territory. Twice Congress, without qualms, had altered the provisions of the “compact articles” of the Northwest Ordinance.

INDIANA & ILLINOIS STATEHOOD

By the time Illinois had become a state, north-south boundary issues had already heated up between Ohio and Michigan. On July 1, 1805, William Hull, the first Michigan territorial governor, landed in Detroit. In October he wrote to President Thomas Jefferson discussing among other things the ambiguity of the boundary line writing:

The southern boundary of the Territory is indefinite. Though in the present maps of the United States, a line of latitude through the southern bend of Lake Michigan appears to strike Lake Erie near the mouth of the Miami [Maumee River], yet in the maps of

Arrowsmith and M'Kenzie, such a line of latitude would not strike Lake Erie, but pass entirely south of it. The anxiety of the southern settlers of the Territory is great . . .

Two years later Jared Mansfield, the Surveyor General, constructed a map based on the surveys of the lower part of the Michigan peninsula. In his rendering of the peninsula he placed the mouth of the Maumee River in Ohio, even though he was not certain of the accuracy of such a decision.\(^{15}\)

A year later Governor Hull remarked to Mansfield that he was “very desirous of having the line run from the Southerly bend of Lake Michigan, to Lake Erie as there are a number of Inhabitants on the Miami [Maumee River] and it is uncertain, whether they are under the Jurisdiction of the State of Ohio, or of this [Michigan] Government.” Nathaniel Ewing, writing to Mansfield from the “Miami of the Lake” on September 17, 1809, believed that “this place has ever been supposed to be situated within the State of Ohio.” By this time, Secretary of the Treasury Albert Gallatin began to share Hull’s concern over the boundary stating that it was of great “importance to ascertain whether the settlements on the Miami [Maumee] river. . . are in the State of Ohio or in the Michigan territory.”\(^{16}\) The ambiguity that shrouded the boundary began to settle over Michigan and Washington D.C. No one truly knew the boundary’s exact location.

Sensing the growing concern over the undeveloped Maumee River basin, Ohio passed resolutions in 1807, 1809, and 1811 instructing Ohio’s representatives in Congress “to use their influence” to pass a law defining the northern boundary of Ohio. The boundary line was also


supposed to be agreeable to the proviso contained in the Ohio constitution.\textsuperscript{17} Congress failed to act on the first two memorials, but the last finally forced Senator Thomas Worthington to act on the requests of his constituents.

Worthington introduced a resolution into the Senate for “running and designating the northern and western boundaries of Ohio.” So uncertain was the wild terrain of northwest Ohio, northeast Indiana and southeast Michigan, that the boundaries in the entire region were uncertain. Benjamin F. Stickney supposed that “we shall know whether Fort Wayne is in Ohio or Indiana Territory” continuing on that he had “no doubt it is in the State of Ohio.” Congress finally responded to the repeated inquires on May 20, 1812, authorizing the president “to ascertain and designate certain boundaries.” The bill specified that the boundaries be surveyed according to the Ohio enabling act and “particularly noting... so much of the boundary line as runs from the southerly extreme of Lake Michigan to Lake Erie.”\textsuperscript{18} The outbreak of the War of 1812 on June 18 along with hostile Indians along the Lake Michigan region prevented the execution of the act.

Already in 1811, Michigan began to assert its political control over the Maumee region, which prompted customs collector Amos Spafford at the mouth of the Maumee to write to Ohio governor Return Jonathan Meigs Jr. complaining

It appears to be the general wish of the people in this settlement (which consists of about fifty families) to have the laws of the State of Ohio extended over them... The few who

\textsuperscript{17} Ohio, \textit{A Resolution Requesting our Senators and Representative in Congress, to Procure a Law Establishing the Northern Boundary Line of this State}, Statutes (1807), 5:143-144; Ohio, \textit{Resolution on the Subject of Appointing Commissioners for Ascertaining, Running and Marking the Western and Northern Boundary Lines of the State of Ohio}, Statutes (1809), 7:225; Ohio, \textit{Resolution, Instructing our Representatives in Congress to Procure a Law Designating the Northern and Western Boundary Lines of this State}, Statutes (1811) 10:191-192.

object are those who hold offices under the Governor of Michigan, and are determined to
enforce their laws . . . If no adjustment should take place, I fear the contention will ere
long become serious. Sir, you have the goodness to inform the people here whether there
has been any understanding between the State of Ohio and the Governor of Michigan on
the subject of jurisdiction, together with your advise.

No such understanding between Ohio and Michigan had occurred, even though Michigan
Territorial Judge A.B. Woodward wrote that “the mouth of the River Miami [Maumee] has been
assumed as the line, the Justices of the Peace on the North side of that river acting under
Commission derived from the Territory of Michigan, and those on the south side of it acting
under Commissions derived from the State of Ohio.”

It would take another seven years to strike an informal accord between local justices of
the peace. In 1816, Dr. Horatio Conant settled in the village of Maumee on the north side of the
river. Shortly thereafter, Governor Lewis Cass of Michigan, a friend of the doctor’s, sent him a
commission as Justice of the Peace. Similarly, Seneca Allen settled in Perrysburg on the
southern shore and received a commission as justice of the peace from Ohio. Allen, hearing of
Conant’s commission, informed him that he must not attempt perform any business under the it.
In December, 1819, Allen was supposed to marry a couple on the north side of the river, but the
river proved impassable. He called to Dr. Conant across the river and asked him to marry the
couple, but the doctor refused based on their earlier conversation. Allen responded that
“necessity knew no law,” and so Conant married the couple. Afterwards the two justices met

19 Report of the Joint Select Committee, to Whom were Referred the Governor’s Message and Accompanying
Documents, on the Subject of the Northern Boundary (Columbus: James B. Gardiner, Printer to the State, 1835), 13-
15; H.S. Knapp, History of the Maumee Valley: Commencing with its Occupation by the French in 1680 (Toledo:
10, 405-406.
and agreed that Allen would have jurisdiction on the south side of the river, while the both of
them would have jurisdiction on the north.\footnote{Way, Facts and Historical Events of the Toledo War of 1835, 19-20.} Nothing was agreed to officially on the local level
about other governmental functions. Hence, governance continued on precariously in the
disputed tract as both Ohio and Michigan struggled forward through the obscurity.

In 1815, the boundary problems were again the subject of discussion in the federal
government. Surveyor General Edward Tiffin, a former Ohio governor and senator, wrote to
Commissioner of the General Land Office Josiah Meigs expressing his interest in carrying out
the provisions of the 1812 act. Throughout 1815 and 1816 more debate followed on the
surveying of the boundary lines and the need to determine their exact positions. Finally in the
fall of 1816, Meigs asked President James Madison to allow the Surveyor General to ascertain
the southerly extreme of Lake Michigan.\footnote{Carter ed., Territorial Papers of the United States, vol. 10, 515-517; 663-664.}

These concerns culminated on August 22, 1816. Meigs wrote to Tiffin “to engage a
faithful & skillful deputy to mark the said northern boundary” of the State of Ohio. Tiffin
employed William Harris, “an experienced, skillful, practical surveyor,” to run the boundary
line. He was uncertain about his instructions and wrote to Tiffin, “I did not altogether
understand what you wanted to have done – whether you wanted a line run from one lake to the
other or only the boundary line established between the State of Ohio and the Michigan
Territory, or whether you would have the line run between the States of Indiana and Ohio, or
not.”\footnote{T.C. Mendenhall and A.A. Graham, “Boundary Line between Ohio and Indiana, and between Ohio and
Michigan,” Ohio Archaeological and Historical Quarterly, no. 4 (1895), 159-161.}

He inquired again in January, 1817, on whether the boundary lines should be run
according to the state constitutions or not, as he believed they should be running in agreement
with the congressional accepted state boundaries. Harris asked Tiffin to consult someone about
this important business to make sure, but the consultation never occurred. Harris’s
preoccupation with running the boundaries according to the state constitutions went forward. In
September, 1817, the Ohio boundary was laid out in concurrence with the proviso in the Ohio
constitution and was marked from the southerly bend of Lake Michigan to the northern cape of
Maumee Bay.  

Michigan Governor Lewis Cass, discovering how the survey was executed, objected to
Edward Tiffin that the survey was conducted in violation of the Northwest Ordinance. Cass
went on to exclaim that Ohio’s constitutional proviso has “never been acceded to by Congress”
and was, therefore, null and void. He asked Tiffin “why should the boundaries of Ohio, be
enlarged at the expense of this Territory? It is only adding Strength to the Strong and making the
weak still weaker.” Finally he warned the Surveyor General that “a disputed jurisdiction is one
of the greatest evils, which can happen to a Country.”

Ohio had no intention of letting the tract become “a disputed jurisdiction.” Ohio
Governor Thomas Worthington urged the Ohio General Assembly to settle the boundary
question as soon as possible. A select committee was immediately formed to address the issue.
It reported that they were “of the opinion that the Congress of the United States fully assented to
the aforesaid provision of the Constitution of this State in their acceptance of this State into the
Union with the Constitution containing the aforesaid provision.” This prompted the legislature

23 Mendenhall and Graham, “Boundary Line between Ohio and Indiana, and between Ohio and Michigan,” 159-
to resolve on January 29, 1818, that the Harris Line was the official northern boundary of the State of Ohio.  

Michigan would not let the issue pass and promptly memorialized Congress. The state argued that the line surveyed was done incorrectly and in defiance of the 1812 act of Congress and the Northwest Ordinance. The petition continued that the Ordinance Line, the line supposed to be surveyed, was “a fundamental line, not to be varied.” Michigan’s pleas did not go unnoticed in Washington.

Ohio Senator Jeremiah Morrow, Chairman of the Senate Committee on Public Lands, noted to Secretary of the Treasury William H. Crawford that “there appears to be a want of accordance” between the specifications of the law and the actual survey. Morrow also remarked that the survey did not affix the point were the line would intersect Lake Erie and that Congress could not legislate on the subject until such information was made official. The Secretary in turn asked Meigs about the “irregularity or defect of the attempt” to survey the boundary and requested a full report on the subject. Meigs struggled with the issue (as Congress later would) and asked if the admission of Ohio into the Union was “acquiesce in the alteration of the boundary” or whether the creation of the Michigan Territory with its stated boundaries was “a virtual refusal” of congressional assent.

The problems with the initial survey eventually resulted in President James Monroe requesting the Surveyor General to make another survey. John A. Fulton was employed to run an east-west line from the southerly bend of Lake Michigan to Lake Erie in accordance with the 1812 act. The line was marked in October, 1818, and it was found that an east-west line would

25 Mendenhall and Graham, “Boundary Line between Ohio and Indiana, and between Ohio and Michigan,” 164-165; Ohio, Designating the North Boundary of this State, Statutes (1818) 16:205.
bisect the Maumee River between Fort Meigs and its mouth. Meigs reported that if the law was followed, the line would create a triangle of land starting east of Cleveland to the Pennsylvania border that technically would belong to Michigan. He believed that “Congress will probably cede to Ohio the land East of Cleveland lying between the east line and shore of Lake Erie.”

Further progress in resolving the boundary issue was delayed in Washington even though the necessary surveys of the region were made.

This was an inopportune time for Congress to ignore the matter. The controversy had become a serious problem. A fury of letter writing commenced. Secretary of the Michigan Territory William Woodbridge protested to Ohio Governor Ethan A. Brown that the disputed strip was part of Ohio. Brown responded that Congress always intended for the mouth of the Maumee to be in Ohio based on congressional assertion of “natural boundaries” and credited the problem to “ancient maps and opinions.” Brown also mentioned “the absolute silence” of Congress on the issue.

In December, 1820, Michigan Territorial Delegate Solomon Sibley introduced a resolution into the House of Representatives “to authorize the President of the United States to ascertain and designate certain boundaries.” After a lengthy and bitter debate between Sibley and Ohio Representative Thomas Ross, the bill was sent to the Committee on Public Lands where it expired with the Congressional session. The Senate passed a similar resolution in February, 1821. Once again it languished in the House of Representatives. Horatio Conant lamented in 1823 to Ethan Brown that “almost any line that could be run would be preferred to the present” commenting that the one to the “north cape of the bay. . . would be most agreeable,” but his pleas came to nothing. Michigan in December, 1826, ordered its congressional delegate, 

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28 Carter ed., Territory Papers of the United States, vol. 10, 875-876; Lane, 32.
Austin E. Wing, “to use his exertions to prevent any change in the southern boundary,” while memorializing Congress to adhere to the boundaries described in the Ordinance. The matter was referred to the Senate Judiciary Committee. The issue once again died.\(^{30}\)

Throughout the 1810s and 1820s Ohio “was content to assert her paper claims without any serious attempt to exercise jurisdiction” in the area, but sent numerous unanswered memorials to Congress asking for a resolution. The state General Assembly on February 12, 1820, created the counties of Henry, Williams and Wood, whose northern borders extended to the state line. Its exact location was not mentioned in the legislation but was assumed to be the Harris Line. Only the county of Wood was fully organized at the time and held jurisdictional charge over the other counties due to their lack of population. Wood County attempted to levy taxes in the area, but the residents refused to recognize the act. Perhaps this was because Michigan taxes were less than Ohio’s. Ohio officials in the region refrained from trying to exert absolute authority, but jurisdictional boundaries created many “perplexing and vexatious questions” to the great “annoyance to the residents” in the district.\(^{31}\)

Meanwhile, Michigan built roads in the region, collected taxes, and organized the area politically. Port Lawrence Township was created on May 27, 1827. It embraced the future city of Toledo. The towns of Manhattan, Port Lawrence, Sylvania and Vistula, were all platted in the disputed area and all recorded in Monroe County, Michigan. Elections for Michigan county and township officials occurred in the vicinity. The 1820 and 1830 censuses counted the residents of


\(^{31}\) Carl Wittke, “The Ohio-Michigan Boundary Dispute Re-Examined,” 3; Mendenhall and Graham, “Boundary Line between Ohio and Indiana, and between Ohio and Michigan,” 165; Knapp, \textit{History of the Maumee Valley}, 244; Robert Lucas, \textit{Special Message of Governor Lucas to Both Branches of the General Assembly of Ohio, Made in Pursuance of the Third Section of an Act Making an Appropriation to Defray the Expense of Carrying into Effect the Laws in Regard to the Northern Boundary Line; with Accompanying Documents}, 8 December 1835 (Columbus: James B. Gardiner, 1835), 29-30; Ohio, \textit{Designating the North Boundary of this State}, Statutes (1820) 18:151-154; Ohio, \textit{An Act, for the Erection of Certain Counties therein Named}, Statutes (1820) 18:90-96.
the strip in Michigan. The reality of the situation was, as the *Toledo Gazette* later editorialized, “so long as this part of the state remained in a wild and unimproved condition, it mattered very little to Ohio, that the public authorities of Michigan should exercise their official functions.”

The Maumee region continued to develop, even though its political identity remained obscure.

A flurry of petitions from Ohio and Michigan to Congress continued into the early 1830s. In February 1830, sixty-eight voters in the disputed area asked Congress for adjustment of the boundary in favor of Ohio. In July the Michigan Legislative Council in July sent a similar memorial asking that the strip be placed in Michigan according the provisions of the Ordinance. Likewise, the Ohio legislature petitioned Congress on March 12, 1831, asking for it to examine the “understanding and evident intent” of the Northwest Ordinance. To all of these arguments, Congress responded with continued silence. Thus the situation remained unresolved. Washington was unwilling to commit itself and balked at the idea of altering the Ordinance.

Ohio and Michigan could not agree themselves how to settle their differences.

The canal building boom throughout the United States in the late 1820s cast the Ohio-Michigan boundary conflict in a different light. The mouth of the Maumee became the ideal place for the terminus of a canal and all the associated economic prosperity associated with it. This, congressional indecision, Michigan’s move toward statehood, and the stubbornness of two hot-headed governors would bring unrestrained escalation to the Ohio-Michigan boundary dispute and drive it to the point of no return.

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CHAPTER 3
UNRESTRAINED ESCALATION

On December 3, 1833, Democratic Ohio Governor Robert Lucas rose before a joint session of the Ohio General Assembly to deliver his annual message. He addressed “a subject in which the State of Ohio has a deep interest:” the contemplated extension of the Wabash and Erie Canal into Ohio. Through this project “by this means the improvement of the country would be encouraged – its wealth increased; and by connecting it with the Miami canal, the State would have the control of one of the most important avenues in the western country.” Connected to this canal “terminating in the Maumee Bay” the governor then spoke of the thirty year boundary dispute with Michigan. He proudly announced his relaying of the legislature’s recent resolution to the Ohio congressional delegation calling for the use of “all proper means for ascertaining and defining the boundary line.”

The inability of Congress to resolve the dispute and the growing importance of the region caused the boundary, for the first time, to be discussed in a governor’s message to the legislature. In the upcoming months Congress would again demonstrate its failure to resolve the boundary dispute it had created. The impending catastrophic consequences of their actions were the fruits of thirty years of congressional failures. This blatant negligence to mediate the issue would cause Ohio to seek its own solutions to the great disdain of Michigan. While the Twenty-Third Congress ignored Ohio and Michigan pleas of action, Ohio began gradually taking the initiative in finding a solution.

1 “Governor’s Message,” Norwalk (Ohio) Huron Reflector, 10 December 1833; Ohio, Memorial to Congress on the Subject of the Boundary Line between the State of Ohio and the Territory of Michigan, Statutes (1833) 31:253-258.
Three weeks after the governor’s message the Ohio legislature acted upon the request of “his excellency the governor” and issued a joint resolution to Ohio’s congressional representatives begging them “to use the most energetic means, for preventing further delay in defining the boundary line.” The boundary issue thus began to take an important place in Ohio politics with the digging of canals and Michigan’s movement toward statehood. Fortunately, Ohio was blessed with a large number of skilled Congressmen. The vocal, sometime boisterous and talented orator Whig Thomas Ewing represented the Ohio cause in the Senate. Whig Samuel Finley Vinton, “the wisest statesman in Washington” and according to John Quincy Adams “a man of decided ability; very few, if any, in Congress, were his superiors,” became the spokesman of the Ohio case in the House of Representatives. Whigs Joseph Vance and Elisha Whittlesey along with Democratic colleagues William Allen and Thomas L. Hamer joined Vinton’s campaign in the House (see Appendix 2).

Congressional indifference toward the boundary was quickly coming to a forced conclusion. The westward movement of the United States and the influx of settlers into Michigan had bolstered its population from 31,639 in 1830 to a staggering 85,856 four years later. This enormous growth resulted in a movement toward statehood that would, Michigan leaders believed, inevitably advance Michigan’s cause in the boundary struggle with Ohio, because Michigan would then have voting members in both the House and Senate. On December 11, 1833, a week after Governor Lucas’ speech, Lucius Lyon, the Michigan Territorial Delegate, presented a petition for admission into the Union. The Michigan

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legislature, in appointing Lyon as its territorial delegate, had made a wise decision. A powerful speaker, Lyon proved to be almost the equal of Ohio’s Vinton in the House and fought tenaciously for Michigan’s statehood and southern boundary. Lyon’s petition was referred to the Committee on the Territories where it, like so many Ohio and Michigan memorials, languished.  

The new year brought renewed vigor to the Ohio and Michigan boundary dispute and a search for its resolution. Michigan politicians earnestly worked toward the achievement of statehood. Their efforts were thwarted by the Ohio congressional delegation which adamantly opposed Michigan statehood or any steps toward it without first adjusting the boundary in Ohio’s favor. The two issues, Michigan statehood and the Ohio-Michigan boundary, became conjoined.

On April 1, 1834, Vice President Martin Van Buren presented to the Senate a communication from the governor of Michigan regarding the southern boundary. The matter was referred to the Committee on the Judiciary. On May 9, the Senate took up the issue of Michigan statehood once again. Senator John M. Clayton of Delaware, chairman of the Judiciary Committee, after some debate reminded members that the Ohio boundary line question was before the Judiciary Committee and, therefore, he thought “this bill ought not to be passed till that was settled.” To the satisfaction of Ohio Senator Ewing, the issue of Michigan statehood was tabled. Three days later the committee made its report after having “carefully examined all the arguments” they found “no doubt of the authority of Congress” to settle the matter in favor of Ohio. The committee also deemed it “expedient” to do so. Lucius Lyon happened to be in the Senate chamber when the report was given and was “thunderstruck,” as he believed it could not have been farther from his “expectations.” He wrote immediately to territorial secretary William

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Woodridge that the measure would probably pass in the Senate, but he confidently vowed he would “kill it in the House.”

The “northern boundary line of Ohio” was the special order of the day on Thursday, June 5, 1834. Senator John Tipton of Indiana, a strong proponent of Michigan statehood, opposed the adjustment until Michigan’s admittance into the Union, so Michigan could be represented in Congress on the subject. He also cited that Ewing was asking the Senate “to do [now] what Congress has refused for thirty years.” Senators Ewing and Clayton argued in its favor stating “that Ohio should own the termination of her canal.” Virginian Benjamin Leigh also contended “it was a question of political expediency” that the issue should be settled in Ohio’s favor. Despite all of Tipton’s appeals, the bill passed the Senate thirty to nine the following day and moved on to the House.

Lyon’s claim of being able to “kill it in the House” proved correct. On June 11 the House began discussion of the Senate bill. William Allen rose before the House and lashed out against Lyon’s delaying tactics calling his motives nothing more “than a desire to achieve the defeat of the bill.” Allen associated any referral to a committee “equivalent to its absolute rejection.” He argued that Congress alone possessed the power to fix the location of the boundary and vehemently disputed the notion that Michigan should be admitted into the Union without a defined southern boundary. “Will it be wise,” asked Allen,

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5 The Democratic Tipton believed Michigan to be in the legal right over the boundary and also being a Jacksonian faithful desired the probable admission of two more Democratic Senators from Michigan into the Senate, Sheehan, “The Northern Boundary of Indiana,” 305; *Congressional Globe*, 23rd Congress, 1st Session, 428-429; *Register of Debates*, Senate, 23rd Congress, 1st Session (Washington D.C.: Gales and Seaton, 1834), 1899-1906; John Tipton, *The John Tipton Papers*, vol. 3, ed. Nellie Armstrong Robertson and Dorothy Riker (Indianapolis: Indiana Historical Bureau, 1942), 145.
to admit a state into the union while she is carrying on an embittered contest with another, but to create that contest by the very act of admission; as if, because the judiciary may be the common arbiter between the states, Congress had determined to become the common source of their litigation? Sir, the perpetuity of the union depends upon the harmony of its parts; and we should seek to preserve rather than disturb that harmony.

He maintained, like Senators Ewing and Clayton, the crucial importance of the canal project upon which “Ohio has exhausted near a million of her resources” and hoped in light of this and “repeated petitions” Congress would adjust the matter according to Ohio’s wishes. Finally Allen asserted the ignorance of knowledge on the region when the Ordinance and Ohio constitution were written claiming “all was a wide, wild, unmeasured waste of woods and waters.” Samuel Vinton and Amos Lane of Indiana emphasized to the House the “expediency” of the issue, but all their exertions came to naught. Lyon succeeded in having the bill sent to a select committee on June 13, where he prevented discussion until the end of the congressional session in June.\(^\text{6}\) Congress once again proved unwilling and undetermined to solve the boundary problem.

The balmy summer days brought little movement toward resolving the Ohio-Michigan boundary or Michigan statehood issues. On July 6, 1834, Michigan Territorial Governor George B. Porter fell victim to a cholera epidemic. This brought to the governorship twenty-two year old Territorial Secretary Stevens T. Mason, whom Andrew Jackson had previously dubbed “Young Hotspur.” On September 1, Mason called a special session of the Michigan legislature with the specific topic of discussion, “the speedy admission of Michigan into the Union.” Mason said that the repeated failures of Congress to grant statehood have forced Michigan to conduct a

census, call for a constitutional convention, and form a state government. “The State of Michigan,” Mason asserted, “will then have a right to demand admission in the Union,” like Tennessee. In regard to statehood and boundary issues, “it has become manifest,” declared Mason, “that as a Territory, we have but little weight in the deliberations of Congress, on subjects connected with our vital and permanent political and territorial rights, and that they are decided upon principles of expediency, with a view to other interests than our own.” Stevens Mason intended to secure Michigan’s southern boundary in Michigan’s favor and force statehood upon Congress.

Ohio, too, actively sought to procure the northern boundary at the Harris Line. The day after the reconvening of Congress in December, Governor Robert Lucas addressed the Ohio General Assembly about the boundary difficulties. He had no doubt that Congress could settle the issues and would do so in Ohio’s favor. Due to the canal, “no enlightened statesman that views the future interests and prosperity of Ohio, could consent to construct so important a work, and terminate it at a point that would throw its greatest advantages within the jurisdiction and under the control of another State.” He warned the Assembly that if Ohio did not prevail in the controversy, the canal would have to been rethought and constructed “within the undisputed limits of the State” of Ohio. For both Ohio and Michigan, everything rested with Congress.

On December 4, two days after the governor’s message, the ever-persistent Thomas Ewing introduced a bill into the United States Senate to settle the issue in support of Ohio. Once again it was referred to the Judiciary Committee, with John Clayton chairmen. On the twenty-

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7 In 1796, Tennessee had conducted a census, wrote a constitution and demanded admission into the Union, which Congress granted, Willis F. Dunbar, Michigan: A History of the Wolverine State, 244; George N. Fuller, Michigan: A Centennial History of the State and Its People, 228; Messages of the Governors of Michigan, vol. 1, ed. George N. Fuller (Lansing: The Michigan Historical Commission, 1925), 116, 121, 122;
8 Galbreath, History of Ohio, 512; Robert Lucas, Message of the Governor of Ohio, December 2d, 1834 (Columbus: James B. Gardiner, 1834), 3-5.
second he reported the bill to the Senate without amendment. It had its second reading on
January 6 with Senators Clayton, Ewing and William Hendricks of Indiana arguing for its
passage. So insistent were Michigan’s claims against the inviolability of the Ordinance that their
challenges began alienating the previous pro-Michigan Illinois and Indiana congressional
representatives, who felt their state boundaries would be questioned with a Michigan victory
against Ohio. Amendments were added in order to secure the northern boundaries of Indiana and
Illinois as stated in their respective constitutions. Senator John Tyler of Virginia argued against
them to no avail, and the amended bill passed to a third reading. The following day it passed the
Senate and moved to the House,9 where so many similar bills on this issue met their doom due to
either committee pigeonholing or support for Michigan in the controversy.

The day after passage, the Senate bill was introduced into the House and referred to a
select committee. Three days later a petition arrived from the disputed strip. The authors
“prayed” that Congress would settle the boundary issue in Ohio’s favor. Over 220 men signed
the document, and it was also referred to the select committee. Chairman John Quincy Adams
reported the bill entitled “An act to settle and establish the northern boundary of the States of
Ohio, Indiana, and Illinois” to the House on January 24, 1835. The committee recommended
“that the bill do not pass.”10 This did not prevent Ohioans in the House bringing the issue to the
floor.

When debate began on February 9, 1835, about the possible creation of the Wisconsin
Territory the Ohio delegation, led by Allen, Hamer, Vance and Vinton along with John Ewing of
Indiana, sought to amend the Wisconsin bill with the establishment of the Harris Line as the

northern boundary of Ohio. John Quincy Adams led the opposition claiming the Ordinance was “the constitution of the Northwest Territory” and a “compact as binding as any that was ever ratified by God in heaven.” Hamer retorted Adams statement arguing the Ordinance “is just as susceptible of alteration as any other law of Congress passed for the last thirty or forty years.” He pointed out the fact Ohio has “been trying for thirty years to get this question settled. . ., and can get nothing done.” The debate ended without anything being solved, but Adams’ and Lyons’ arguments had only furthered the estrangement of the Indiana and Illinois delegations. Adams, a friend of Lyons and ardent Michigan supporter, had seen to it that the measure died in the House. The legislative session ended on March 3 with Michigan statehood, the Ohio-Michigan boundaries, and the creation of the Wisconsin Territory issues unresolved. 11 This utter failure on the behalf of Congress, once again, to mediate a product of its own production, caused events already escalating between Ohio and Michigan to spin out of control.

Cordiality between Ohio and Michigan had characterized relations on the boundary issue, but beginning in February it quickly evaporated. Acting upon petitions from the citizens of the Toledo area desiring Ohio governance, Governor Lucas addressed the Ohio legislature. He recommended an act extending the northern boundaries of Henry, Williams and Wood Counties to the Harris Line – a reissue and restatement of the previous 1818 legislation. Lucas argued that what Michigan proposed was “an impossible line.” He pointed out that the line would sever the northern part of Ohio and give a large triangular tract of northeastern Ohio to Michigan. “Can the people of Ohio,” Lucas asked, “acknowledge this as the northern boundary of the State? I presume their unanimous voice would be in the negative.” 12

11 Register of Debates, House, 23rd Congress, 2nd Session, 1250-1262.
He believed congressional approval of the Ohio constitution granted assent to the boundary proviso, and the whole issue was a problem between the State of Ohio and the United States. Lucas would maintain this belief throughout the entire boundary dispute. Michigan, he believed, had no sovereign rights and therefore could not participate in a controversy with a sovereign state in the Union. As a territory of the United States, Michigan was under the control and sovereignty of the United States government.\textsuperscript{13}

The Michigan Territorial Council, preempting the actions of the Ohio legislature, passed an act on February 12 making it illegal for anyone to exercise a “foreign jurisdiction” in Michigan. Punishment for violating this act was up to a $1,000 fine and or up to five years hard labor. This legislation became known as the “Pains and Penalties Act.” The same day the council sent a memorial to Congress expressing “humiliation and regret” over the Senate bill giving Ohio its desired northern boundary,\textsuperscript{14} but until the House approved the measure Michigan believed it still held jurisdiction in the area. If Ohio was going to try to exert jurisdiction in the strip, Michigan would see that it was stopped.

Events began spiraling out of control on both sides of the border. The Ohio General Assembly acted upon the governor’s message on February 23 when it passed an act, with only one dissenting vote, extending the northern counties’ borders to the Harris Line. Columbus also called for local elections in the area and commencing on April 1 for the re-surveying and re-marking of the Harris Line. The \textit{Michigan Sentinel} screamed “Nullification!” in response. Ohio sought to encroach upon Michigan’s territorial rights and jurisdiction. Residents who defended either Ohio or Michigan claims in the disputed strip began organizing for the side they


supported. Citizens in Monroe County, Michigan, on February 26 declared Ohio’s actions as “an outrageous act of usurpation.” Over 300 Ohio partisans met on February 28, resolving “to support the laws and constitution of Ohio.” During the proceedings General Joseph W. Brown of the Michigan militia assured the members that if Ohio should try to exercise jurisdiction in the region “she would have to march over the dead bodies of that portion of her citizens who had heretofore been under the jurisdiction of Michigan.”

Preparations ensued on the Michigan side to resist Ohio jurisdictional control and to prevent the re-marking of the Harris Line. Mason shot a letter off to Secretary of State John Forsyth on March 6 stating that “a collision must soon take place between the authorities of Michigan and those of Ohio.” Rumors abounded in Michigan political circles about the organizing of the Ohio militia to enforce the Ohio act. Mason believed a “collision” “beyond a doubt” would occur and pledged to meet “force by a force of a like character.” General Joseph Brown of the Michigan militia prepared to call up three brigades for immediate military service and provisions were procured and prepared to enforce the “Pains and Penalties Act.”

While Michigan prepared to resist, Ohio worked toward enforcement. Lucas appointed Jonathan Taylor, Uri Seely and John Patterson commissioners to run the boundary line. Notification was given to Henry, Williams and Wood Counties of the legislative act with orders from Governor Lucas to enforce jurisdiction in the region. Lucas tried to dispel reports of the calling-up of the Ohio militia claiming there were “erroneous impressions” in Washington. The


governor and the boundary commissioners began making their way to Perrysburg where they intended to re-survey the boundary line.\textsuperscript{17}

Ohio’s resolve to settle what Congress would not forced President Andrew Jackson to enter the fray to advert open conflict between the two. Ohio Representatives Thomas L. Hamer and Robert T. Lytle met with the President on March 14 to discuss the situation and wrote to Lucas that the president intended to make the boundary issue “a prominent point” in his next message to Congress. Lytle claimed, that Jackson possessed a “fixed determination to apply his veto to any bill, which should make it [Michigan] a State, \textit{before} the settlement of the boundary difficulty.” Lytle asked Lucas to delay the execution of the legislative mandates to advert trouble.\textsuperscript{18}

Three days later Jackson asked the advice of Attorney General Benjamin F. Butler. He replied with a lengthy and evasive response but did state, “that all the right is on the side of the Territory of Michigan, and that Ohio has no rights of jurisdiction north of the Fulton line” until Congress adjusted the boundary. He did warn that circumstances might warrant “the active interposition of the President.” Ohioan Samuel Vinton refuted the Attorney General’s opinion with a two page letter in the \textit{Daily National Intelligencer} claiming his opinion was “erroneous.” The \textit{New-York Spectator} editorialized “if the disputants themselves cannot get up good sense enough to set them right, somebody ought to do it for them; and the first letters of that somebody’s name are Andrew Jackson.”\textsuperscript{19}

Jackson, sensing the magnitude of the situation, appointed a two man commission to bring it back under control and alerted both Mason and Lucas of their mission. The president

\textsuperscript{17} Lucas, \textit{Message of the Governor}, 8 June 1835, 4-5.
\textsuperscript{18} Lucas, \textit{Message of the Governor}, 8 June 1835, 20-21.
chose Benjamin C. Howard, former Congressmen from Maryland, and Richard Rush, former minister to Great Britain for the task. The two men hurried off to the supposed “theater of war” arriving in Cleveland on March 29 after leaving Baltimore on the twenty-third. Urgency pressed the commissioners, as the *Michigan Sentinel* Headlined “War.” The “Territory is about to be invaded by Ohio” the press asserted, “and resort will be had to arms (*if necessary*) to maintain our rights.” It also claimed Michigan men will not a “dodge” fight. On April 1 Michigan held elections in the disputed strip, and on the following day Governor Lucas with the boundary commissioners arrived in Perrysburg.20

At Cleveland on April 1 a worried Howard and Rush had written to the Secretary of State. They had learned from Detroit that “preparations are making in that quarter for active measures with rather more vigor than on the Ohio side of the line.” The commissioners landed in Toledo, via steamer from Cleveland, on April 3 and happily reported that “no collision has yet taken place.” Howard and Rush sent notice of their arrival to Lucas and then proceeded to Monroe to consult with Governor Mason.21

The militant situation of affairs was coming to a head. Mason wrote to Lucas declaring Michigan’s intention to not surrender any portion of the disputed territory. Lucas replied to the messengers on April 3 that the military had not been called out and would not be “unless the authority of Ohio should be forcibly resisted.” In that case, the governor warned, a force would be mustered and he assured them “IT SHOULD BE AN EFFECTUAL FORCE.” He also felt no need to formally reply to Mason’s letter. A sovereign state in the Union had no business in negotiating with a territory.22


21 Jackson, *Message from the President of the United States*, 10 December 1835, 171-172, 177.

Howard and Rush met with Mason, and on April 5 and he reluctantly agreed not to engage in any belligerent behavior until the commissioners had met with Lucas. On April 6, the day the commissioners departed for Perrysburg to confer with Governor Lucas, the Ohio township elections were held in the disputed strip without incident. Howard discouragingly wrote about Lucas,

I fear we cannot do much with him, as he is very firm in this character, and though doing what nine tenths of the nation will hereafter pronounce wrong, yet will listen to no argument upon the point, because he says that his State has decided upon it and it is his duty to execute her laws.

The commissioners were surprised with Lucas’s “cordiality and friendliness.” Howard and Rush recommended two propositions. First, that the Harris line be re-marked according to the Ohio act. Second, the citizens of the disputed territory be left to their choice of government until Congress settled the question. Lucas, maintaining his belief in the sovereignty of the federal government over the Michigan Territory, accepted the authority of the commissioners and acquiesced to their terms.\textsuperscript{23} The crisis seemed to have been diffused.

The following evening the situation began to deteriorate. Governor Mason, upon hearing the compromises offered to Lucas from Howard and Rush, rejected them outright. He swore Michigan would not retreat from its rightful jurisdiction and cited the Attorney General’s opinion in support of Michigan. The Monroe County Sheriff accompanied by General Joseph Brown

proceeded with a large posse to enforce the “Pains and Penalties Act.” They entered Toledo in the early morning hours of April 9 to arrest those who had received elected commissions from the State of Ohio.24

The men burst into the home of vocal Ohio partisan Benjamin Stickney. Not finding him there, they arrested Naman Goodsell and George McKay, who were guests and also outspoken Ohio supporters. Part of the sheriff’s posse then chased recently-elected Justice of the Peace Cyrus Holloway into the woods where he managed to escape. It was also reported that an “OHIO” flag flown in the village was torn down and dragged through the streets before being burnt. The incident was heavily reported in the Ohio and Michigan presses but also found a lot of attention in the Indiana Journal, The Liberator, Maryland Gazette and Niles’ Weekly Register among others.25 The tenuous agreement arranged by the commissioners quickly began to dissolve.

A worried and somewhat panicky Howard wrote to the Secretary of State the following day,

during the whole day the village has been alive and in the afternoon the spectacle quite animating, not withstanding the bad cause. Men galloping about – guns getting ready – waggons[sic] being filled with people and hurrying off, and everybody in commotion . . . Still, there will not be a fight. The opposite party [Ohio] are too weak to stand . . . But then will come the muster from Ohio . . . We have done all we could to keep the peace . . .

24 Jackson, Message from the President of the United States, 10 December 1835, 47-52; Lane, Ohio vs. Michigan, 80.
Mason vowed that he would not allow the boundary line to be surveyed and promised to arrest
the commissioners. On April 15 Lucas, who had traveled to Defiance, Ohio, following what he
believed was the general agreement, ordered General John Bell to arm 500 men to enforce the re-
running of the Harris Line. This was the order that found Odle beating his drum through the
streets of Perrysburg to the great displeasure of Judge Higgins.

Mason reminded Brown to “keep Ohio in the wrong” and that when arresting Governor
Lucas to receive him “as a citizen of Ohio, violating the laws of the territory.” A comical
Sebried Dodge, the man chosen to survey the state line, wrote to Samuel Forrer, one of the Ohio
canal commissioners, “we shall start to-morrow for the northwestern corner of this State [Ohio];
and the next time you hear from me I shall probably inform you that I am at Monroe,” Michigan,
in jail. Michigan officials began organizing a civilian posse to intercept the commissioners and
their party, with the militia held in reserve at Adrian in Lenawee County.

The battle lines were being drawn on both sides as the commissioners proceeded to the
border. On Saturday evening, April 25, after having surveyed thirty-five miles east from the
Indiana state line, the party retired to the residence of Eli Phillips, a strong Michigan partisan and
a mile south of the Harris Line. At noon the following day General Brown along with the
Lenawee County Sheriff and an armed force of fifty to sixty men, all on horseback, descended
upon the group. The commissioners fled south into the woods, but nine of their guards were

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26 Hoyt, “Benjamin C. Howard and the ‘Toledo War;’ Some Letters of a Federal Commissioner,” 306; Jackson,
Message from the President of the United States, 10 December 1835, 187; Lucas, Message of the Governor, 8 June
1835, 44-45; Samuel C. Andrews, Communication from the Adjutant General, Transmitted by the Governor of Ohio,
n.p., 15 June 1835, 5-8; History of Sandusky County, Ohio, with Portraits and Biographies of Prominent Citizens
and Pioneers (Cleveland: H.Z. Williams & Bro., 1882), 148-149.
27 Joseph W. Brown, “Account of the Boundary Dispute with Ohio,” Michigan Pioneer and Historical Collections,
vol. 12, 411; (Chillicothe) Scioto Gazette, 6 May 1835; “Ohio and Michigan,” (Boston) Liberator, 9 May 1835.
surrounded. Some tried to make a break for the woods, but the posse fired a volley over their heads and they surrendered.  

The commissioners tore through the swamp back to Maumee, Ohio. The Michiganders took the captured guards to Tecumseh, Lenawee County, Michigan, and threw them in jail. They all paid bail and returned to Ohio except Jonathan E. Fletcher, who refused to recognize the right of Michigan to demand bail. Lucas ceased all attempts to re-mark the boundary line and disbanded the militia. He then called a special session of the Ohio General Assembly to address “great and weighty matters” on June 8, 1835.  

Meanwhile, commissioners Rush and Howard took the opportunity in the lull of action to return to Washington for more instructions. There were none waiting, and their role in the affair consequently came to an end. Meanwhile, Andrew Jackson recalled Attorney General Butler and Secretary of State Forsythe on May 9 to address the issues of “What means are placed in the hands of the President . . . to execute the laws of the United States” and “Whether he has the same power . . . in a territory as in a State.” The nation watched and wondered what would happen next. 

The Ohio legislature met on June 8, and Governor Lucas related all the events of the past four months. The General Assembly responded and passed the “Abduction Act” to “prevent the forcible abduction of the Citizens of Ohio.” This was a direct countermeasure to Michigan’s

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30 Lucas, Message of the Governor, 8 June 1835, 48-49; Carter ed., Territorial Papers of the United States, vol. 12, 911.
“Pains and Penalties Act.” Ohio also appropriated $300,000 to the governor to defray the expenses of enforcing Ohio’s laws in the disputed territory and allowed him to also borrow the same amount if necessary. Also, they voted to follow the proposals of Rush and Howard, if the United States government would compel Michigan to do so. Most importantly on June 20 the legislature created Lucas County in the disputed strip (named after Governor Lucas) with its county seat in Toledo. The first court session was to be held on the first Monday in September. Division commanders of the Ohio militia were also directed to report the number of men ready to enforce the laws of Ohio in the disputed territory.31 Ohio in effect challenged Michigan to stop the court session.

Following the resolutions of the legislature, Lucas appointed a three-man emissary to travel to Washington to confer with President Jackson. Those assigned to this task, three Jacksonian Democrats, were former Congressman William Allen, Ohio Senator and former Speaker of the Ohio House David T. Disney, and United States Attorney Noah H. Swayne. They traveled through the sweltering June heat and met with the President on the morning of July 1. There they presented Ohio’s case to the national executive and asked for full cooperation.32

William Allen later reminisced that Jackson asked “Well, what do you want me to do?” The commissioners tried to explain, but the President finally said, according to Allen, “gentlemen, come to me to-morrow morning with what you want on paper.” The three men did so and Jackson passed their requests on to the Secretary of State. The compromise agreement

31 Ohio, Accepting Certain Propositions made by the Commissioners Appointed by the President of the United States, Relative to the Northern Boundary of this State, Statutes (1835) 33:3-5; Ohio, To Prevent to Forcible Abduction of the Citizens of Ohio, Statutes (1835) 33:5; Ohio, To Erect the County of Lucas, Statutes (1835) 33:5-7; Ohio, Making Appropriation to Defray the Expense of Carrying into Effect the Laws in Regard to the Northern Boundary, Statutes (1835) 33:7-8; “Ohio Legislature,” (Chillicothe) Scioto Gazette, 24 June 1835; Galloway, “The Ohio-Michigan Boundary Line Dispute,” 220-221; Soule, “The Controversy over the Ohio-Michigan Boundary,” 90; “Ohio and Michigan,” (Annapolis) Maryland Gazette, 14 May 1835.
embraced the previous propositions of Howard and Rush, but added that the “Pains and Penalties Act” be suspended and that “no forcible opposition” be made by Ohio or Michigan in the disputed strip. The President remarked that an adequate amount of pressure and advice “from the proper source” would force Michigan to agree. Upon the President’s guarantee and promise the delegation returned to Ohio.\footnote{Lucas, \textit{Special Message of Governor Lucas}, 8 December 1835, 3-4; Jackson, \textit{Message from the President of the United States}, 10 December 1835, 165-166; Downes, “How Andrew Jackson Settled the Ohio-Michigan Boundary Dispute of 1835,” 188; “Washington, July 4, 1835,” \textit{Daily Cleveland Herald}, 10 August 1835; “Ohio and Michigan,” \textit{(Chillicothe) Scioto Gazette}, 12 August 1835.}

Secretary of State Forsythe immediately sent a letter on July 3 conveying the agreement reached between the President and the Ohio commissioners to Mason and requested his full cooperation in seeing them upheld for “the great object of preserving the public tranquility.” A disgusted Mason wrote back that such concession would compromise Michigan’s position in the dispute and give Ohio jurisdiction in a region that it never previously had. He said he would only refer the matter to the Legislative Council on August 17, and they would make the final decision. Secretary of War and former Michigan governor Lewis Cass wrote to Jackson expressing his belief that Mason probably would not recommend the compromises to the legislature.\footnote{Jackson, \textit{Message from the President of the United States}, 10 December 1835, 66-67, 85; Carter ed., \textit{Territorial Papers of the United States}, vol. 12, 958-959.} The “tranquility” that Jackson was working to establish started coming apart almost before it had been established.

On July 16, Monroe County Deputy Sheriff Joseph Wood along with two constables entered Toledo to arrest Ohio partisans George KcKay and Two Stickney (Benjamin Stickney named his sons in the order they were born). The charges were disturbing the peace when they, along with a few others, broke-up a Michigan-sponsored sheriff’s auction in Toledo on July 11. Stickney had no intention of going peacefully and stabbed the deputy in the side with a knife.
before he and McKay fled south into Ohio. The deputy lived, but Michigan extradition demands to Ohio for Stickney were ignored. Mason wrote to the Secretary of State complaining of “the utter impracticability” of “concurrent jurisdiction” as demonstrated from recent events.35

Michigan’s response to the incident was swift. On Saturday July 18 a Michigan posse of 250 men marched into Toledo. There they arrested Benjamin Stickney and after some pursuit captured and arrested George McKay, while Naman Goodsell fled across the river into Perrysburg. The posse then broke into the Toledo Gazette newspaper office and destroyed the press. Its editor, the boisterous Ohio partisan Andrew Palmer, was accused by the Democratic Free Press of being “the chief instigator of resistance to our [Michigan] laws.” A repaired Toledo Gazette later called Michigan’s actions worse “than Algerian robbery or Turkish persecution.” Reports of such occurrences and outrages continued to pour into the Ohio and Michigan presses during the entire episode, with each side condemning the other while upholding themselves.36 Partisans also continued to wait for the fateful session of the Lucas County Court of Common Pleas.

The Michigan Legislative Council met in special session on August 17 to consider President Jackson’s proposals. Cass had predicted that Mason would not support the measures and Cass was correct. In his message to the legislature, Mason stated that he was “clearly” of the “opinion that the general government cannot authorize the acceptance of the proposed arrangement, much less compel its observance as is demanded.” He concluded that such

proposals were “prejudicial to the rights of Michigan.”

These revelations did not please Washington.

The news, not entirely unexpected, provoked a strong reaction from the President. The Secretary of State conveyed the President’s strong feelings on the subject to Mason on August 29. The Secretary condemned Mason’s “zeal” for, what he regarded, as Michigan’s rights instead of counseling “moderation and forbearance” toward Ohio in preservation of the public peace. Forsythe then scolded Mason for not recommending the President’s compromise terms. Mason’s action’s proved too much for the President, who promptly removed the governor from his position and appointed Charles Shaler of Pennsylvania to succeed him. Shaler declined and Mason continued in his role as governor as Washington scrambled to find a replacement.

Regardless of who was the acting governor of Michigan, forces on both sides of the border focused on the impending court session. One side wished it to succeed, while the other planned to break it up with force if necessary so “all their blustering and bravado [would] go for nothng.” Worried Common Pleas Judge David Higgins, who was to preside over the session, wrote to Lucas. His duty as judge compelled him to oversee the court, but he agonized over the fact of “the disgrace of the capture and abduction, by a Michigan mob, of a branch of the Judiciary of the state” of Ohio. The Ohio Adjutant General Samuel C. Andrews sent a

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confidential order to the major generals of the Ohio militia to mobilize their forces and to report their strength in an effort to protect the court.  

While Ohio politicians and newspapers expressed support for Governor Lucas in his political battle with Michigan over the strip, Ohioans in general did not support a military solution. The state had trouble in getting volunteers in the supposed 132,000 man Ohio militia, but eventually 12,000 were recruited. Lucas only had around 100 men mustered to enforce the court session if civil enforcement of the court session failed. Michigan General Brown had organized around 1,200 men and the legislature allotted $315,000 to thwart the court session and arrest the Ohio officials. Michigan dared “the million’ of Ohio” to enter Toledo where they would welcome “them to hospitable graves.”

The court officials congregated at Maumee on September 6, the day before the court session. There they learned of the size of the Michigan force and thought about abandoning the effort. Colonel Mathias Van Fleet overruled them. He pointed out that September 7 would commence immediately after midnight, and the law did not designate a certain time for holding the court. Van Fleet ordered the party to be ready to leave for Toledo at precisely one o’clock in the morning. The judges and a twenty-man escort proceeded to Toledo and opened the court session around three. Associate Judge Jonathan H. Jerome presided along with judges Baxter


Bowman and William Wilson. They appointed Horatio Conant as Clerk and John Baldwin, Robert Gower and Cyrus Holloway county commissioners. With no further business “the Court adjourned without delay” and the party after about a nervous twenty minute session returned to Maumee. The Ohioans had successfully out-foxed the Michiganders.

A few more “outrages” occurred in the days following the successful conclusion of the court session, including the arrest of Associate Judge Wilson, but the arrival of newly-appointed Michigan Governor John S. Horner of Virginia relaxed the tensions. He had no delusions about who his boss in Washington was, and he had no intentions of letting the President down. Ohio re-marked the Harris Line at the beginning of November without incident. Meanwhile, during the congressional recess and the entire affair over the boundary, Michigan had done something only one other state in the nation had done before it: become a state without congressional approval.

Michigan politicians, responding to congressional indecision, had during the summer months drafted a constitution. The boundaries described in the constitution fixed the southern boundary of the state as an east-west line drawn through the southerly bend of Lake Michigan (embracing both Indiana’s and Ohio’s claimed boundary north of that line). On October 5, 1835, the voters approved the constitution 6,752 to 1,374. Stevens Mason was elected governor, Lucius Lyon and John Norvell as senators, and Isaac E. Crary representative. Horner’s office became insignificant as most people ignored him. The first edition of the Toledo Blade asked its readers “is Michigan a State or a Territory?” While Lyon wrote a friend, we are “a sovereign
and independent state out of the Union, and without any connexion[sic] whatever with the United States Government, any more than with Canada."  

The “Toledo War” chapter, as it is now called, of the Ohio-Michigan boundary dispute ended with the Lucas County court session. The soldiers went home and the tensions around the border slowly subsided. The months from February to September had been full of action and political rhetoric and were the results of the indecisive actions of the Twenty-Third Congress. The failure of Congress to solve the dispute in the 1834-1835 session had almost resulted in bloodshed over the border. Congress, once again, as it had done for thirty years, ignored and failed to mediate the boundary issue it had created. Only presidential intervention and the unwillingness on Ohio’s part to engage in direct military confrontation had prevented such a result. When the Twenty-Fourth Congress convened in December 1835 the expectations where running high on both sides of the border.

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Governor Robert Lucas once again addressed the Ohio General Assembly in December, 1835, to give his annual message. Two years prior, on the same occasion, he articulated his concern over the thirty-year boundary dispute with Michigan and the need to extend the Ohio boundary to the Harris Line for the sake of the Wabash and Erie Canal. In 1835, he again discussed the importance of the canal and his desire to see it completed. Lucas also spoke with great jubilation about the longstanding controversy with Michigan. “I cannot refrain from expressing my gratification,” the governor exclaimed, “that the pretensions of Michigan will be quieted by Congress, early in the present session.”

His expectations along with the rest of Ohio’s were in the hands of Congress, which seemed unable or unwilling in past decades to solve this bitter issue between Ohio and Michigan.

The Twenty-Fourth Congress convened on December 7, 1835. The Ohio-Michigan boundary dispute along with Michigan statehood promised to be hot topics of debate. The Ohio delegation to Congress, though politically divided, would prove a united and capable force in seeing that Ohio’s “rights” in the boundary controversy were upheld and ratified (see Appendix 3). Even with mounting executive pressure to resolve the boundary line dispute and to admit Michigan into the Union, Congress continued to be divided on to how to solve the problem. Only through the sheer determination of the Indiana, Illinois and Ohio delegations would Congress prove capable of the task and avoid another costly failure in fixing the crisis, but it did not come easily.

1 “Governor’s Message,” Norwalk (Ohio) Huron Reflector, 10 December 1833; “Governor’s Message,” Toledo Blade, 19 December 1835; “Governor’s Message,” (Canton) Ohio Repository, 17 December 1835.
On the first day of the session, Senator Ewing gave notice that he would introduce a bill to settle and establish the northern boundary of Ohio. Two days later President Andrew Jackson sent his long-anticipated report on the boundary matter to Congress. He noted that the “controversy between the authorities of State of Ohio and those of the Territory of Michigan, in respect to this boundary, assumed. . . a very threatening aspect, and much care and exertion were necessary. . . to prevent forcible collision between the parties.” Jackson emphatically asked Congress to settle the question “at their present session.” The President sent a similar message to Congress addressing Michigan statehood along with a copy of its constitution, which fixed their southern boundary as the Ordinance Line.²

The first half of December was consumed in both congressional houses with debate over the seating of Michigan’s elected representatives: Senators Lucius Lyon and John Norvell and Representative Isaac Crary. Debate raged in the Senate over the issue with Senators John Tipton and William Hendricks of Indiana along with Ewing taking the charge against seating the delegates. The Indianans were upset over the boundary stipulation in the Michigan constitution that claimed a portion of the State of Indiana (eventually a threatened and affronted Indiana State Legislature resolved that their elected representatives in Congress support the Ohio cause). A livid Hendricks proclaimed:

What is the case? A man comes into my house; he tells me that he has come for the purpose of appropriating to himself a part of my house, or of despoiling me of a portion of my goods. . . . but inasmuch as it will be more convenient to him to attend to this work

of spoliation within the house than out of doors, he asks that, through comity, I would assign him a seat, and permit him to remain until he can finish his work.

He went on to say that no state, according to the United State Constitution, can be formed within the jurisdiction of another state. Hendricks emphatically stated “Michigan is not a State, neither de facto nor de jure, and that she never can be a state with her assumed boundaries.” The Michigan Senators were given special chairs in the Senate, but not admitted to the floor. A similar resolution to the problem resulted in the House.3

Ewing introduced the bill “to settle and establish the northern boundary line of the State of Ohio” into the Senate on Tuesday, December 21, and gave a long speech outlining the problem and Ohio’s position. He presented every member of the Senate a map of the disputed region and argued for the original intent claiming “Congress not only intended” to give Ohio its desired boundary but “the people of Ohio, in convention, asked and expected to receive it.”

Ewing denounced the injustice caused to Michigan if such a bill passed because a “Territory has no right to any particular boundary, either by virtue of the ordinance of 1787, or any of the acts of Congress.” Michigan, Ewing maintained, “was called into existence by an act of Congress; and, so long as it continues a Territory, it is subject to be changed and modified, as to boundary and extent, at the pleasure” of Congress. He concluded that the entire boundary issue has been in the past “the victim of procrastination” and hoped it was finally approaching the point of “termination” to the satisfaction of Ohio.4

Senator Thomas Morris of Ohio submitted a joint resolution the following day that gave assent to the Ohio boundary proviso and also validated the northern boundaries of Illinois and Indiana. Morris’s resolution and Ewing’s bill on the settling and establishment of Ohio’s northern boundary were referred to the Judiciary Committee, John M. Clayton chairman. While the President’s two messages in regard to the Ohio boundary and Michigan statehood were referred to a select committee composed of Senators Thomas Benton of Missouri (chair), John M. Clayton of Delaware, John J. Crittenden of Kentucky, William C. Preston of South Carolina and Silas Wright of New York. There the subjects of the boundary and Michigan statehood remained until March.

The President’s messages, likewise, were received in the House of Representatives. Their debate ensued from December 10 to 24 about where the President’s messages should be referred: to a select committee, the Committee on the Territories or the Committee on the Judiciary. The Ohio delegation in Congress unanimously opposed referral to the select committee because, as William K. Bond explained, the select committee chaired by John Quincy Adams had already given their opinion on the matter and were “unfavorable” to “one of the parties.” After long debate and as Horace Everett of Vermont pointed out, that one question “embraced the other;” the whole matter on December 28 was referred to the Judiciary Committee.

All three committees, two in the Senate and one in the House, had to weigh the arguments of each side. Michigan simply argued that the Northwest Ordinance established its

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southern boundary which was reaffirmed through the 1805 congressional act creating the Michigan Territory. Also, the proviso in the Ohio constitution was not assented to by Congress and was further invalidated by the 1805 act. Ohio contended that Congress *ipso facto* assented to the boundary provision when Congress accepted the Ohio constitution. The boundaries in the Northwest Ordinance, Ohio partisans argued, were based upon incorrect geographic knowledge and that the Ordinance intended the mouth of Maumee River to be in Ohio. Further the boundary line as specified by the Ordinance would cut off part of northeastern Ohio, which Congress in no way contemplated. Congress recognized, Ohioans claimed, the intention of the Ordinance in adjusting Indiana’s and Illinois’s northern boundary and likewise should do so with Ohio’s boundary. Finally, Ohioans pointed out, Michigan was a territory and not a state and as such Congress had complete control over them, thereby making the entire issue one between the State of Ohio and the United States. These were the factors that the committees and Congress had to deliberate upon in solving Ohio and Michigan’s boundary problems.\(^7\)

Lucius Lyon, realizing the hopelessness of the situation, further magnified by the affront to Indiana caused by Michigan’s claim of strict adherence to the Ordinance Line, wrote to a friend in January that the state of affairs was “very unfavorable to Michigan.” He predicted an Ohio victory while Michigan statehood would be “dependent and conditional” upon Michigan agreeing to the boundary change. Lyon asked his friend if and when this transpired “shall we do so?” Lyon answered his own question that he would rather “remain a state out of the Union” than concede to congressional authority, especially since he noted that no one in Congress had said Ohio possessed any legal claim to the disputed territory.\(^8\)

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\(^7\) Mendenhall and Graham, “Boundary Line between Ohio and Indiana, and between Ohio and Michigan,” 166-167; see Onuf, *Statehood and Union*, 98-104.

On February 1, 1836, Governor Mason addressed the opening session of the Michigan Legislature. He spoke about the rights of Michigan and “regretted” the state’s opposition to the federal government but claimed this position a “necessity, not a choice.” In regards to both statehood and the southern boundary, the people of Michigan, Mason asserted, have spoken and they will not “shrink” from the decisions they have adopted. A fearful Lyon, upon hearing the governor’s remarks, wrote back to Mason believing that his message would cause “a good deal of trouble” in Washington. He explained to the governor that Congress would probably never consent to statehood without adjustment of the southern boundary. Lyon did not advocate for submission, but thought “we shall be compelled to submit by the strong arm of power.”⁹

Michigan tried to maneuver into a more favorable stance with Indiana. The Michigan Legislature on February 16 passed an act to refer the Indiana-Michigan boundary dispute to the United State Supreme Court upon Michigan’s admission into the Union. Michigan politicians argued that the Court would undoubtedly rule in favor of Indiana, since Congress had given Indiana its boundary in its constitution. They also hoped that such a measure would cause Congress to consider a similar resolution to the Ohio-Michigan boundary dispute. Lyon wrote to a friend, “including a portion of Indiana within our limits, I fear, will lose us the disputed tract...as it is, two to one we lose it all.”¹⁰

The damage had been done. Senator Tipton, an early proponent of Michigan statehood, passionately argued “Indiana never will surrender what Michigan claims to any power on earth.” He thought Michigan was right in its claim against Ohio, but Michigan “should not, in pursuance of those rights, violate the rights of others. She has no right to the ten miles claimed by her Constitution from Indiana; and if that claim continues to be urged, I am against her.”

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Indiana legislature along with its representatives and those from Illinois were already “against her” for a Michigan victory had severe implications for those states’ northern boundaries.11 The Illinois and Indiana delegations, more politically united, equaled Ohio’s solidarity in support of their eastern neighbor against the believed infringements of Michigan (see Appendix 4).

Lyon’s predictions of impending doom in regard to Michigan’s southern boundary proved correct. The Senate Judiciary Committee reported on March 1 on Ewing’s bill for settling the Ohio boundary and Morris’ resolution. This report, like its predecessors on this subject in the Senate, “arrived at the same conclusions” and recommended the passage of the bill. The report also recommended against Morris’ resolution. The committee believed that “Congress had power to settle and establish the boundary” and “that it was expedient” to do so. The committee discounted Michigan’s claim of “vested rights,” as Michigan’s boundaries were established for the “mere purpose of temporary government,” and Congress never intended to give Michigan such rights. Ohio’s claim of the intention of the Northwest Ordinance was upheld. The report continued that The 1755 Mitchell “alleged to have been the very map relied on by Congress, and by the convention of Ohio, at the time of the admission of the State, and as it was then considered every where as a map which, in reference to the Northwest Territory, had no superior for accuracy.” Ohio, according to this map, would not only embrace the disputed territory but also included a much larger tract of country north of it. Ten other similar maps were also cited, ranging from the 1760s to the 1810s, locating Ohio’s northern boundary north of the mouth of the Maumee River.12

12 Register of Debates, Senate, 24th Congress, 1st Session, 663-664; Congressional Globe, 24th Congress, 1st Session, 215; John M. Clayton, Senate Committee on the Judiciary, to whom were referred a bill to settle and establish the northern boundary line of the State of Ohio, and a joint resolution on the subject of that line, 24th
1834 SURVEYS

A MAP
Exhibiting the relative positions
of LAKE ERIE & MICHIGAN
According to recent Surveys.

By David H. Burr
Engraved by J.T.ipping

Senate Committee on the Judiciary, Ohio Boundary Bill, 1836
Thursday, March 10, saw the Ohio boundary bill brought before the Senate. Morris attempted to amend the bill so as to formally give Congressional assent to the Ohio boundary proviso, but it was defeated. The bill in Ewing’s original form came up for its third reading and passed with a thirty-seven to three vote. The following day “the bill to settle and establish the northern boundary line of the State of Ohio” passed and was sent into the House of Representatives where so many similar bills in previous sessions met their death.\textsuperscript{13}

The Senate select committee, to which were referred the President’s messages, reported a compromise bill on March 22. It established the northern boundary of the State of Ohio and provided for the admission of Michigan into the Union upon the condition it assent to the boundary change. The bill in its first section established the Harris Line as the northern boundary of Ohio. The second section admitted Michigan into the Union upon the terms that it agree to the boundary change and in exchange Michigan received in compensation the Upper Peninsula between Lakes Michigan and Superior. This was to be done, as described in the third section, through the state legislature. Once accomplished the President of the United States could declare Michigan a state. The measure passed to a second reading and was taken up again on the twenty-ninth.\textsuperscript{14}

Debate ensued over the aspects of the proposed bill. Senator Clayton opposed adding over 20,000 square miles of territory to a proposed state without asking the constituents in that area. William Hendricks of Indiana also noted that those individuals never participated in the framing of the state constitution. On the principle of conditional statehood, Clayton asked “was this a proper way to admit a State into the Union?” The Senate finally decided that an elected


\textsuperscript{14} Senate Journal, 24th Congress, 1st Session, 236; Register of Debates, Senate, 24th Congress, 1st Session, 1006, 1050-1052; Lane, Ohio vs. Michigan, 143.
convention of Michigan delegates should ratify the boundary changes, since the state legislature at a later date could, if it wished, reverse the decision of the earlier legislature. On April 1 the debate continued and delved into the particulars of the Michigan constitution. Most prominent among the various issues were the very liberal suffrage laws. Arguments continued on for the next day, but finally the bill was brought to a vote late in the evening of April 2 and received approval twenty-four to seventeen with Ewing voting in the negative, most likely due to the suffrage features. This bill, too, then went into the House for final approval.

Meanwhile, in the House things were progressing along at a much slower pace. Representative Francis Thomas of Maryland, chairman of the House Judiciary Committee, reported a bill to establish the northern boundary of Ohio and provide for the admission of Michigan into the Union, similar to the Senate version. The bill was read a first and second time on March 29. Further consideration on the bill was postponed on April 4 due to the introduction of the Senate bill on the same subject. The Senate bill was taken up on April 20 and debate ensued on whether to commit it to the Committee of the Whole. Vinton objected to this motion. He believed the other Senate bill, to establish the northern boundary of Ohio, which had already been read twice in the House, should be taken into consideration first. The acting speaker of the House, Jesse Speight of North Carolina, overruled his motion.

Michigan statehood, already tied to the Ohio boundary, was then linked to Arkansas’s admission into the Union. This was to continue the slave state-free state balance in the Senate.

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Thus, both Michigan and Arkansas partisans sought to expedite the statehood process. Arkansas territorial delegate Ambrose Sevier, after repeated failures, finally forced a resolution through the House reserving June 8 and every day after to the discussion of the Ohio boundary and Michigan and Arkansas statehood. He thus compelled Congress to finally settle and decide the boundary and statehood issues before it could move on to other business.\textsuperscript{17}

The House resolved itself into a Committee of the Whole on June 8. First the bill establishing the northern boundary of Ohio was discussed. Francis Thomas moved to lay the bill on the table because it was “superfluous” as the second piece of legislation, establishing the boundary and admitting Michigan into the Union, covered the issue. The Ohio delegation protested, which Vinton “took a very heated part,” and the motion was put to a vote. The chair, Jesse Speight, broke the 103 to 103 vote in favor of laying the bill on the table “to the great annoyance of the Ohio members.”\textsuperscript{18}

The Ohioans concern reflected their conviction that Michigan statehood was tied to the upcoming Presidential election. Democrats sought to rush Michigan statehood, as it was believed Michigan would deliver it electors to the Democratic Party, while the congressional Whigs sought to prevent such an outcome by defeating Michigan statehood. Therefore, the Ohioans wanted to separate the statehood and boundary issues. They believed resolving the already highly debated boundary issue would undoubtedly fail if connected with the even more contentious Michigan statehood issue.\textsuperscript{19}

\textsuperscript{17} House Journal, 24th Congress, 1st Session, 952-954; Congressional Globe, 24th Congress, 1st Session, 533.
\textsuperscript{19} Wittke, “The Ohio-Michigan Boundary Dispute Re-Examined,” 19; Dunbar, Michigan, 303; Weisenburger, “Passing of the Frontier, 1825-1850,” 305; Robert V. Remini, Andrew Jackson: The Course of American Democracy, 1833-1845, vol. 3 (Baltimore: John Hopkins University Press, 1984), 375-376; Benton, Thirty Years’ View; or, a History of the Working of the American Government for Thirty Years, from 1820 to 1850, vol. 1 (New
Business, nevertheless, turned to the Michigan bill. Thomas saw neither the “justice or the expediency” in settling the Ohio boundary, but desired that Michigan should enter the Union and would consequently vote for the bill. He disagreed that Michigan’s entrance into the Union would be “a compulsory acceptance rather than a voluntary choice.” Vinton then submitted an amendment to the bill providing that if Michigan refused the conditions, the Ohio boundary would be fixed at the Harris Line regardless. Discussion followed on the amendment without a resolution, and the House voted to adjourn eighty-four to seventy-four at half past six in the evening.20

The House convened at eleven o’clock the following morning and members once again debated taking up the bill for the adjustment of the northern boundary of Ohio. The chair overruled the pleas of Bellamy Storer of Ohio and Vinton. Once the House resolved itself into a Committee of the Whole, Horace Everett of Vermont rose and argued about the inalterability of the Ordinance Line. He opposed Michigan statehood because “no new State has the right to claim admission into the Union.” Everett also believed “Congress must, by some act, have formed the territory into a State; not a political community, but have designated the boundaries as a State.” Hence, territorial boundaries did not necessarily equate to future state boundaries. While raising these protests, he conceded that the mouth of the Maumee River was “necessary” and “essential” to Ohio’s public works and believed “from the danger to the peace of the country” it was important to give Ohio the disputed ground.21

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Thomas L. Hamer then addressed the members in opposition to Vinton’s amendment. It was his conviction that the first section of the legislation established the Ohio boundary “as we [Ohio] claim it.” The subsequent sections, he argued, dealt with Michigan and the first section was not attached or connected with the others. “If she [Michigan] complies,” Hamer continued, “she [Michigan] will come in; if not, she [Michigan] will remain out; but, in either event, the law still stands in full force.” The first section unequivocally settled, he believed, the boundary issue. The parts were “totally separate,” and he felt no need therefore to amend the bill and risk sending it back into the Senate for approval.\footnote{Register of Debates, House, 24th Congress, 1st Session, 4232-4249; Blair and Rives eds., “Appendix,” 603-608.}

He then responded to Dutee J. Pearce of Rhode Island, who had earlier suggested that the whole matter be referred to the Supreme Court. Hamer pointed out that the Supreme Court had never decided such a case. He also warned the members of reviving the “old doctrines of JUDICIAL SUPREMACY” and the violations it would probably cause to the “political rights” and sovereignty of the states. Hamer continued that “Ohio acknowledges no right in the Supreme Court to try such questions; she will never submit to such a mode of determination. It is a legislative question, and not a judicial one. \textit{Here} is the place to determine it,” he asserted.

Hamer then asked the Jacksonian question: if such a court decision was rendered, “how would
your court enforce its decree?” “If she [the State] chose to submit to it, very well;” he said, “but if she did not, there is no way to compel her but by arms. You must fight her. Are you prepared to do this?” Then making a chilling prediction of the impending doom the Union would face twenty-five years later on similar grounds he alleged that “resort to force, and your boasted Union, . . . will be crushed in an instant.”24 He made it very clear that Ohio would not stand for a judicial settlement.

Around nine o’clock that evening Vinton’s amendment was put to a vote and rejected. Adams then tried to disconnect the boundary question to Michigan’s admission. He gave a three hour speech on the issue. Adams discouragingly concluded that “never in the course of my life have I known a controversy of which all the right was so clear on one side an all the power so overwhelmingly on the other,” but his appeals swayed no one. Motions to adjourn were defeated throughout the night and debate continued into the early morning hours.25

Arkansas, Michigan and Ohio partisans were determined to see these all important questions settled at this congressional session. Hamer warned the members that “a border war is lowering upon our northern frontier; and the moment Congress shall adjourn, without adjusting this dispute, it will break out with a train of outrages and bloodshed, that must be profoundly deplored by every man who loves his country.” Finally at 11 o’clock in the morning after a twenty-five hour session, Thomas McKennan of Pennsylvania moved that the committee rise and report the bills to the House without amendment, which was agreed and the House adjourned.26

Discussion on the legislation resumed on Monday, June 13, with Vinton again trying to amend the bill. His motion was defeated 81 to 126 and after some debate, including another three hour speech by Adams denouncing the whole Michigan bill, the legislation was ordered to a third reading with 153 to 45 vote. All but two of the Illinois, Indiana and Ohio delegations voted for passage. On June 15 both the Michigan and Arkansas bills passed the House (see Appendix 5), but business resumed on the bill to just establish the northern boundary of Ohio.27

Adams objected as he thought that would be “doing over again what had been already done.” Abijah Mann of New York retorted “why should it not be passed?” Some debate followed, but the bill was passed 122 to 41 to a third reading. All of the representatives from Illinois, Indiana and Ohio voted in its favor. The “Ohio boundary bill, according to John Quincy Adams, “was then forced through” (see Appendix 6). Eight days later Andrew Jackson signed the Michigan statehood and Ohio boundary bills into law. On June 25 the news reached Toledo, and church bells rang throughout the town and cannons were fired in celebration.28

Mason addressed the Michigan Legislature on July 11 with the disappointing news. He informed the legislature that Ohio, regardless of what Michigan did, had gained undisputed control of the contested territory. Mason told them that they must

choose between submitting to an encroachment upon their compact rights, by a system of partial legislation, having for its object the aggrandizement of one portion of the Union at the expense of another, or resisting the encroachment at all hazards, carrying into full

effect, at the same time, all the rights and privileges of a sovereign and independent state
though excluded from the bonds of the confederacy.

He still believed the issue could be settled by a tribunal, where he believed Michigan’s rights and
the compact articles of the Ordinance would be upheld.\textsuperscript{29}

Elections for the convention to approve the boundary change and accept the addition of
the Upper Peninsula, as specified in the Michigan statehood bill, were held on September 12, and
the delegates assembled on September 26 at the court house in Ann Arbor. There after four days
the forty-nine members decided to reject the compromise twenty-eight to twenty-one. The
gathering became known as the “Convention of Dissent.” They still believed a judicial
settlement could occur, but immediately after the members, and all of Michigan, realized that
there was no benefit in the rejection; Ohio legally had the strip and Michigan was “a state out of
the Union.” Also, it became known that the treasury surplus would be redistributed to the states,
and Michigan, as a state not a territory, would be eligible to receive $400,000. This resulted in a
make-shift convention, known as the “Frost-Bitten Convention,” held on December 14 that
ratified Washington’s derived conditions.\textsuperscript{30}

Upon receiving the papers from the convention, President Jackson forwarded them to
Congress, now in its second session, on December 27. Questions as to the legality of the second
convention became the subject of intense debate in the Senate. Calhoun fought against Michigan
to the end calling the “Frost-Bitten Convention,” just “a \textit{mere} caucus . . . got up by party
machinery.” He fiercely argued that “it was not only a party caucus, for party purpose, \textit{but a

\textsuperscript{29} Fuller, \textit{Messages of the Governors of Michigan}, 177-185.
\textsuperscript{30} Dunbar, \textit{Michigan}, 258-259; Fuller, \textit{Michigan Centennial History}, 236-237; James V. Campbell, \textit{Outlines of the
Political History of Michigan} (Detroit: Schober \& Co., 1876), 472-479; \textit{Daily Cleveland Herald}, 25 July 1836;
“Michigan,” (Indianapolis) \textit{Indiana Journal}, 22 October 1836; \textit{Journal of the Proceedings of the Convention of
Delegates Chosen by the Electors of the State of Michigan} (Pontiac: S.N. Gantt, 1836).
criminal meeting” and those responsible “be indicted, tried, and punished.” His rhetoric failed, and the Senate on January 5 passed the bill admitting Michigan. On January 25, 1837, after little debate, the House passed the measure. The following day Andrew Jackson signed the bill, and Michigan officially became the twenty-sixth state to enter the Union.31

The Ohio-Michigan boundary dispute unofficially ended when Jackson signed the act confirming the northern boundary of Ohio. It officially ended when Michigan entered the Union, because the “consent” needed for altering a compact article of the Ordinance had been reluctantly given by Michigan. The Detroit Free Press along with most Michiganders lamented that they had received the “region of perpetual snows” known as the Upper Peninsula, but celebrated statehood, while Toledoans celebrated “the Buckeyes” victory over “their Wolverine neighbors.”32 The problem Congress had created with the Ordinance, Ohio statehood and the Michigan territory, then failed to mediate for over thirty years, had finally been resolved almost at gun point and through the persistent efforts of the Indiana, Illinois, and Ohio congressional delegations. Ohio’s plans for its newly-acquired and long sought after territory could finally be realized.

32 Dunbar, Michigan, 257; Toledo Gazette, 2 July 1836; Huston Courier, 2 March 1837; “The Michigan and Ohio Boundary Again,” (Cleveland) Daily Herald and Gazette, 19 March 1838.
“It is with peculiar pleasure,” announced out-going Governor Robert Lucas to the Ohio Legislature in December, 1836, that “the irrevocable establishment of the Northern Boundary line of Ohio, in accordance with what we [Ohio] have ever considered our incontrovertible right” has been settled through Congress. The national legislature, having created the entire dispute through the inflexible Ordinance Line and overlapping jurisdictions in the admittance of Ohio and creation of the Michigan Territory, had finally resolved the conflict thirty years later. On numerous occasions both sides had begged Congress for a decision on the issue with memorials, resolutions and petitions. For thirty years Congress ignored their pleas. This utter failure and the pressing need for a solution finally resulted in Ohio and Michigan trying to come up with their own solution. To do so, those two entities followed a disastrous course. To prevent a civil catastrophe and to apply pressure for a congressional solution, the President interceded. The failure of Congress had brought things to this point, as this thesis has documented.

Only through the united and determined efforts of Illinois, Indiana and Ohio did Congress finally solve the problem. The solidarity of these northwestern states through the controversy had eclipsed Jacksonian-Whig partisan politics. They had shrouded the entire Ohio-Michigan boundary dispute and had obscured the much larger issues of sovereignty and rights that boiled underneath the surface. These issues and the resolutions finally reached played important roles in the Age of Jackson.

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1 “Governor’s Message,” (Hudson) Ohio Observer, 22 December 1836; “Governor’s Message,” (Cleveland) Daily Herald, 10 December 1836.
As the controversy began unfolding in the spring and summer of 1835, Democratic politicians scrambled to find a solution. Governors Stevens Mason and Robert Lucas were both powerful Jacksonian Democrats, and Washington did not want to offend either one. Political repercussions would have severely damaged the party in the up-coming 1836 presidential election. Jackson found the controversy “extremely annoying,” while the whole affair “embarrassed” the Democratic Party. The Whigs initially tried to capitalize on the situation and create a rift between Jackson and the Ohio Democrats.\(^2\) The usually-assertive and decisive Jackson proceeded carefully and cautiously in order to avoid alienating Democrats in either Michigan or Ohio.

Acting on the Attorney General’s opinion, Jackson believed Michigan to be in the right until Congress gave the disputed ground to Ohio. He wrote to Vice President Martin Van Buren in the midst of armed conflict in April that “we can do no more than we have, we must do no act that might be construed into an acquiesce in this usurped jurisdiction by Ohio.”\(^3\) His paranoia about offending Ohio caused Jackson to proceed the way he did – cautiously. Ohio’s persistent determination caused the President to slowly change his mind in support of Ohio, especially when Illinois and Indiana became entangled in the dispute.

Previously Jackson thought Lucas was a rogue zealot in calling out the militia. This was something Jackson believed the state legislature would not pay for or allow. When it happened with their unanimous support and blessing in June, his thinking began to change even more. In June, 1835, it had become apparent to the president, as the Democratic *Western Hemisphere* asserted:

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\(^3\) Weisenburger, “Passing of the Frontier, 1825-1850,” 302; *St. Louis Commercial Bulletin and Missouri Literary Register*, 1 July 1835.
It is no party conflict. The whole people of Ohio are the party complainants. One heart, one mind is here, as to the right of Ohio to the soil; and the unanimity of opinion in the passage of the act [by the Ohio legislature] for the re-marking of the line, is evidence of the common feeling with which the position of Ohio will be maintained.

The Whig *Ohio State Journal* concurred:

To this [dispute] we [Ohio] heartily respond. On this question all party lines are obliterated – we are all citizens, animated by a common interest and with one feeling – Jackson or anti-Jackson, we go hand in hand in the assertion of our rights, and in the maintaining of the sovereignty of Ohio over her legitimate domain.\(^4\)

The newspapers editorials reinforced and further demonstrated to Jackson Ohioan support for the cause against Michigan.

When the three Ohio commissioners, Allen, Disney and Swayne – all staunch Democrats – arrived in Washington in July, they brought Jackson around to the Ohio side. Allen wrote to Vice President Van Buren “the truth is the President must agree to the proposed terms [of the commissioners] or all is lost with his friends in this state.” Prominent Ohio Democrat Ethan Allen Brown, former governor and senator, also stressed to the President the need for compromise and emphasized that Illinois, Indiana and Ohio politicians believed the administration had taken a pro-Michigan stance. Representative Thomas Hamer had warned administration Democrats that “if he [Jackson] had intimated . . . that force would be used [in

upholding Michigan’s jurisdiction] – I should have told him to his teeth – that if an armed man
dared to pollute the soil of Ohio – he should be blotted from the face of the Earth; – and, that the
first crack of a rifle would bring 200,000 freemen to the Border!”

The political messages were not lost on the administration. When Mason proved too
zealous in defending what he regarded the rights of Michigan, Jackson removed him from office
in favor of someone whom he could control. The air, John Quincy Adams stated, was
“perfumed” with electoral votes. Thirty-five were at stake among Illinois, Indiana and Ohio,
while an appeased Michigan could only offer three if admitted in time for the election. Michigan
historian Willis Dunbar later wrote, “Michigan had a strong case. Ohio had more voters; from
the political standpoint if one side was to be offended it should not be Ohio,” while Ohio
historian George W. Knepper pointed out that “the politic realities were obvious” and that it was
in Jackson’s best interests to uphold Ohio’s claims. The Whigs wanted to appease Ohio for
political gains, and the Democrats feared to do otherwise.

Congressional politics, too, played a deciding factor in the boundary dispute. This
stemmed more from Michigan and Arkansas statehood than the actual boundary controversy.
Congressional Whigs had no desire to have either of those two states admitted into the Union.
They would undoubtedly support the Democratic nominee for President. Senator Thomas Hart
Benton alluded to this in his memoirs. In the twenty-five hour House session over the Michigan
and Arkansas bills, he maintained “that the struggle was, not to pass the two bills, but bring them
to a vote.” Beside the “public reasons,” Benton stated, “there was another cause operating

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5 Wittke, “The Ohio-Michigan Boundary Dispute Re-Examined,” 18; Weisenburger, “Passing of the Frontier, 1825-
1850,” 303-306.
6 Wittke, “The Ohio-Michigan Boundary Dispute Re-Examined,” 19; Dunbar, Michigan, 303; Weisenburger,
“Passing of the Frontier, 1825-1850,” 305; Robert V. Remini, Andrew Jackson: The Course of American
People, 157-158.
silently, and which went more to the postponement than to the rejection of the States. This grew out of the impending presidential election, to be held before Congress should meet again.”

Ohioan Thomas Hamer hinted at this, too, when he addressed the House on June 9 during the famous twenty-five hour session. He fretted that the Ohio boundary adjustment depended on Michigan’s admission into the Union. He told the members that when the boundary “is connected with the admission of Michigan into the Union, we are by no means so certain of its success.” Hamer elaborated that “there is a strong party in this House apparently determined to keep Michigan out of the Union during the present session.” This opposition was what prompted the Ohio delegation in Congress to vehemently fight for discussion and passage of the bill just establishing and settling the northern boundary of Ohio without any connection to Michigan statehood.

The possible political gains for each party outweighed the tangible drawbacks. Democrats sought to get Arkansas and Michigan’s electoral votes while still being conciliatory enough to gain Illinois, Indiana and Ohio’s electors. The Whigs tried to court the Illinois, Indiana and Ohio votes through their support of Ohio in the boundary dispute while obstructing Arkansas and Michigan statehood so as to prevent their electors from voting in the presidential contest. Both sides lost this battle for political advantage in the end. Arkansas and Michigan entered the Union and, along with Illinois, gave their votes to Democrat Martin Van Buren. Ohio and Indiana awarded their electoral votes to regional Whig hero, William Henry Harrison. The Whigs lost their battle against Arkansas and Michigan statehood, but gained Ohio and Indiana. The Democrats won Michigan and Arkansas, while losing Ohio and Indiana. Neither

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7 Benton, *Thirty Years’ View*, 637; (Chillicothe) Scioto Gazette, 7 October 1835.
side got exactly what it wanted: the Democrats won the election, the Whigs lost, but in the process the Whigs netted nineteen electoral votes that did not matter.\(^9\)

There was little tangible evidence to support any voter shift due to the boundary dispute. Ohioans also sent eleven Whigs and eight Democrats to Congress, one more Whig than they had sent in 1834, and voted a Whig, Joseph Vance, to the governorship.\(^10\) Nationally, the Ohio-Michigan boundary dispute from which both Whigs and Democrats sought to profit politically had little effect.

It did have a dramatically-immediate effect in Ohio state politics. In the 1835 elections, the Democrats received a clear mandate. The House consisted of forty-eight Democrats to twenty-four Whigs, and in the Senate the majority was twenty to sixteen. There was even Democrat penetration into the Whig bastion of northeast Ohio.\(^11\) The political ramifications of the dispute only effected the 1835 state elections when the state Democrats reaped the benefits of the controversy. The aura and excitement of the boundary dispute in 1835 had faded from the minds of Ohioans by the time of the 1836 election.

The few lasting political implications of the dispute involved sovereignty and the rights of states and territories. Ohio and Robert Lucas maintained throughout the entire boundary controversy that Michigan was in violation of Ohio’s rights, while Michigan argued about Ohio’s encroachment upon Michigan’s territorial rights. The use of the word “rights” became so commonplace in the dispute between Ohio and Michigan that it almost negated the meaning of the word. Ohio asserted throughout that Congress \textit{ipso facto} assented to the boundary provision


when it accepted Ohio’s constitution. This made Ohio one of the sovereign states in the Union and gave Ohio the undisputed right of jurisdiction and sovereignty over the land specified in the Ohio constitution.

Michigan argued, and Congress later agreed, that no such assent had been given. The disputed land belonged to them by right through the act of Congress creating the Michigan Territory. Control was also guaranteed to Michigan through the compact articles of the Northwest Ordinance. The inviolability of the Ordinance Line was a right, Michigan argued, that Congress had violated in the creation of the states of Illinois and Indiana and would also infringe again if it assented to the Ohio boundary proviso. Finally, the rights of a territory to become a state upon reaching the prerequisite population came into question. The main issue became one of territorial rights and their existence.

This issue of such rights had never been seriously discussed before. Previously, the territories and Congress by-in-large worked jointly within the established framework of the Northwest Ordinance. This was the case in Ohio, Indiana and Illinois statehood. Michigan’s unilateral statehood creation and demand to the adherence of the Ordinance Line challenged this forty-year system. Congress winced when Michigan made these assertions that defied congressional authority over the territories.

The United States Constitution in Article IV, Section 3, states that “the Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States. . . .” Michigan’s claims questioned those constitutionally derived powers. The Senate Judiciary Committee report addressed the issue of territorial rights. “It is contended,” the report stated, “that the people of Michigan have acquired…vested right[s].” In regard to the boundaries,
the very section in that act [creating the Michigan Territory] which prescribes these boundaries, declared that they are marked out for the mere purpose of temporary government. Nothing was further from the design or language of Congress, than to give them any such vested right to the boundaries mentioned in this act. A vested right is an irrepealable right; and it would have been... inconsistent with the design of a territorial government which was expressly declared to be temporary...12

Similar arguments followed in the House of Representatives. There Horace Everett of Vermont argued “no new State has the right to claim admission into the Union until Congress shall have determined its boundaries, and directed the manner in which it shall proceed to form its Constitution.” Congress had not “formed the territory [Michigan] into a state” under the Ordinance. A territory is a “political community... which it may be interred that it [Congress] intended, in some after time, to form it into one or two States.” Thomas Hamer continued that argument simply by saying “Territories are not States. Will a member of this House,” he asked, “contend that the erection of a Territory is the creation of a State?” He disregarded the notion of “vested rights” and concluded “Congress can to-morrow dissolve her [Michigan] Territorial Government, [and] reject all her propositions to become a State.”13

Congress rejected the idea of territorial rights in resolving the Ohio-Michigan boundary dispute, though Washington recognized that the people of a territory have rights as United States’ citizens under the United States Constitution. Territories themselves only had rights granted by Congress. Henceforth, the power to form territories, draw boundaries, grant enabling

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12 Senate Committee on the Judiciary, Ohio Boundary Report, 24th Congress, 1st Session, 9.
acts and admit states into the Union indisputably belonged to Congress. Legislation such as the Kansas-Nebraska Act and the Homestead Act fell under these powers.\textsuperscript{14} This congressional control and guidance shaped territorial policy for the remainder of United States history.

If territories possessed no rights, it followed that the federal government held sovereignty over the public domain. Attorney General Benjamin Butler admitted as much when in his legal opinion of the matter he wrote, “the Territory of Michigan being exclusively under the Government of the United States” had no real sovereignty.\textsuperscript{15} This became even more apparent when Andrew Jackson removed Mason from the governorship. The final solution of the problem, dismissing Michigan’s alleged rights, further confirmed this situation. A “political community” that has no sovereignty has no rights as a political entity. Ohio ultimately was correct; the controversy was one between the State of Ohio and the United States government. Congress indeed held the power to give Ohio the dispute ground. Michigan in the short term was correct in its assessment that Congress had given them the territory in 1805 and had not assented to the boundary provision in the Ohio constitution. However, Michigan was wrong in claiming it had a perpetual right to the disputed tract. In the end and after long delay Congress settled the matter correctly.

Rights and sovereignty on the state level had their limitations, too. South Carolina painfully found this out when it tried to nullify the Tariff Act of 1832. Neither Michigan nor Ohio tried to nullify any federal act during the controversy, but each side accused the other of implicitly doing so. The Monroe \textit{Michigan Sentinel} screamed “Nullification!” when Ohio tried


\textsuperscript{15} Jackson, \textit{Message from the President of the United States}, 10 December 1835, 4-13.
to exercise jurisdiction in the disputed tract. Ohioans, the press declared, intended to violate “our Territorial rights – raising the banner of Nullification – and setting at defiance the constituted authorities and the legal enactments of the land.”\textsuperscript{16} The \textit{Sentinel} only believed Ohio was nullifying territorial rights, but in reality Ohio was trying to violate the sovereignty of the United States, since Michigan was under the federal government’s guiding hand.

The Detroit \textit{Free Press}, while exaggerating the magnitude of the situation, described the nullification issue as Ohio prepared to re-survey the Harris Line:

\begin{quote}
We have no doubt, however, that the President, as soon as informed of the present state of things, will promptly interpose with effect against Ohio. The authorities of that State have inflicted a blow upon the Union of these States far more dangerous and destructive to it, than the Nullifiers of South Carolina aimed at it. Indeed, we are told that Gov. Lucas admits that his conduct amounts to Nullification.
\end{quote}

Lucas never made such an admission, and the Ohio press matched the Michiganders accusations. The \textit{Cleveland Herald} declared Michigan’s attempts to enforce her claims against the rights and sovereignty of Ohio nullification and Michigan’s attempt “as absurd as it is ridiculous.”\textsuperscript{17} The goal of each side was to make the other look guilty of nullification and win for themselves national support.

Nullification was a threatening and hotly-contested issue during the 1830s. The future Ohio senator Benjamin Wade wrote in May, 1835, that “the good people” of Ohio had become

\begin{flushright}
\textsuperscript{17} \textit{(Detroit) Free Press}, 29 April 1835; \textit{Cleveland Herald}, 17 March 1835.
\end{flushright}
nullifiers “to all intents.”\textsuperscript{18} His assessment was correct. Ohio indeed tried ultimately to nullify the 1805 act giving Michigan control over the disputed ground by trying to practice jurisdiction over it.

No side ever publicly declared that it was attempting nullification, nor did anyone in Washington seriously believe they were. Secession, a key component of 1830s South Carolina’s nullification crisis, was never contemplated.\textsuperscript{19} Both sides in the conflict ignored presidential orders, violated federal laws and infringed upon the rights of either Ohio or the United States. Both were thus guilty of nullification at some level. The dispute was not as serious as the South Carolina episode, but the reasons and principles that spurred nullification there were present in both Ohio and Michigan. Both tried to assert their rights to the disputed tract, while Jackson tried to keep the peace at all costs.

Nullification and states’ rights issues appropriately fit the Jacksonian era where these were central themes. An equally-important theme was resistance to the authority of the United States Supreme Court. Michigan desired nothing more than to have the question decided by the federal judiciary; legally Michigan had jurisdiction in the controversial tract. Michigan was prohibited from doing this because the Constitution specified that only a state could bring suit against another state. Suspicion and defiance of the court’s authority was a key issue at the time and an important reason why the Ohio-Michigan boundary dispute was not decided before the court.

Supreme Court Chief Justice John Marshall’s expansion of federal judicial power, striving to make it “coequal with Congress and the presidency,” was deeply opposed by Democrats and Congressmen of both parties. The court in successive cases had taken power

\textsuperscript{18} Weisenburger, “Passing of the Frontier, 1825-1850,” 305.
\textsuperscript{19} Ohio state and congressional politicians during the 1832 South Carolina crisis had publicly condemned and rejected South Carolina’s actions, Knepper, \textit{Ohio and Its People}, 158-159.
away from Congress, the supposed voice of the people, and placed it in the court’s hands. Ohioans had no desire, as Thomas Hamer argued before Congress, to revive the “old doctrines of JUDICIAL SUPREMACY” and had no desire to have “the highest attributes of sovereignty to be controlled by a decree in chancery.” Ohio, he declared, would not submit to the court’s jurisdiction.  

In the famous case *Worcester v. Georgia* (1832) Marshall ruled that the Cherokee Indians were entitled to federal protection. Jackson ignored the ruling and gave his legendary and apocryphal response “John Marshall has made his decision; now let him enforce it.” The enforcement idea, though, should not be lost. Hamer pointed this out to Congress:

Suppose, however, that the court should go on to a final hearing of the case, and when this action of ejectment, or bill in chancery between two sovereign States, is determined, one or both should refuse to abide by the decision; what would be done? How would your court enforce its decree? By what means would it turn one party out of possession, and put the other in? Every man who hears me knows it could not be done. . . . Where would the marshal find a *posse* sufficient to compel any of the States, especially one of the larger class, to yield possession of her territory, and have it transferred to a neighbor?

The answer simply was it could not be done other than by force of arms, which would devastate the nation. Senator Thomas Morris concurred: “I should deprecate, as amongst the worst of all possible political evils, the recognition of a power in the federal judiciary to determine boundaries of the states. It would, in effect, be the complete prostration of all state rights; . . .

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political absurdity, totally incompatible with the independence of a state.”21 The Ohio-Michigan boundary dispute and the reasons for it not being settled by the Supreme Court or even seriously considered as a solution, further illuminated the Jacksonian stance towards the court’s authority and its role in national politics.

The issues of partisan politics, states’ rights, sovereignty, nullification and the power of the Supreme Court had all eclipsed the former prominence of the Northwest Ordinance in national politics. The resolution of the Ohio-Michigan boundary dispute and Michigan statehood demonstrated that “Congress no longer would consider,” as historian Peter Onuf pointed out, “itself bound by the promises of the compact articles” of the Ordinance. The Ordinance was not “a part of the federal constitution,” as Mason and Michigan believed. The Supreme Court eventually confirmed this in Strader v. Graham (1850). The Ordinance “was itself superseded by the adoption of the Constitution of the United States” and therefore had no “validity” of force.22 The court had thus confirmed what in practice had already been done.

Samuel Vinton, in debates over the boundary, said as much when he argued the Ordinance was just a mere piece of legislation subject to be altered by “further and future legislation.”23 The generation that had created the Ordinance had past, and new political leaders took charge in Washington. In 1800, Ohioans argued vehemently against the Division Act, which they claimed violated the compact articles of the Ordinance. Congress listened, because they were the leaders who had drafted the Ordinance. When Michigan made similar pleas in the

23 Senate Committee on the Judiciary, Bill to Settle and Establish the Northern Boundary Line of the State of Ohio, 23rd Congress, 1st Session, 57-84.
1830s, the earlier generation of politicians were gone, and the new ones were less attentive to the promises made in the Ordinance. These leaders needed to create a more flexible and feasible territorial policy that addressed the needs and concerns of the era. Over time the initial luster wore off, and the guiding principles of the Ordinance deteriorated. The times and needs of the territories, states and Congress had changed – most notably in regard to slavery. The Northwest Ordinance came into being when the Northwest Territory was the only territory the national government had in its possession. Since that time, the federal government had acquired territory in the Southeast (Georgia and North Carolina cessions) and the vast Louisiana Purchase with the Texas annexation, Mexican cession, and Oregon acquisition on the horizon. A new, more flexible, and less binding policy had to be adopted. The rigidity of the Ordinance made it doomed almost from the start.

When the territories operated cooperatively with Congress in the Ordinance framework, everything worked smoothly, but the boundary dispute and Michigan’s demand for admission brought the inflexibility faults to the surface. Elasticity fermented with indisputable congressional discretion and became the new policy – regarded like a type of “colonial administration,” which was needed to maintain order among the states and territories. Upon accepting the Louisiana Purchase, Congress merely promised its inhabitants would be “incorporated” into the Union at a later time. Thus the arts of vagueness and congressional promises became the territorial policy of the United States. Specific decisions toward a territory or territories could be made as needed, as demonstrated through the Missouri Compromise and the Kansas-Nebraska Act.\(^{24}\)

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The Ordinance Line was thus altered in this environment because of the specific demands and needs of Ohio and Michigan called for it. This became the death blow for the Northwest Ordinance, which was discounted as a constitutional document and even as a viable policy.

The Ordinance Line had been changed for the benefit of Ohio. The rewards came rapidly. The canal commissioners set to work completing the final survey at the mouth of the Maumee River. Expectations were high, lawyer John Fitch wrote from Toledo; “the place is growing verry[sic] fast and property is verry[sic] high it is in short the general opinion of every one acquainted with the place that no place on the lake except Buffalo will rival it.” Even amid the economic panic that swept the nation in 1837, contracts were let in the spring and construction commenced on the Wabash and Erie Canal. On July 4, 1843, the Wabash and Erie Canal was completed with great fanfare and celebration at Fort Wayne, Indiana. Lewis Cass was the guest of honor. Two years later the connection with Cincinnati and the Ohio River was finished.25 This brought unrivaled growth and prosperity to the Maumee River Valley.

Toledo did not become the great “metropolis” of the west; that was reserved for a town two hundred miles further west – Chicago. Dramatic growth and prosperity did occur in northwest Ohio, and Toledo’s population doubled from 2,440 to 4,880 between 1846 and 1852 and then doubled again to 9,760 in 1858. The population burgeoned to 19,520 in 1864 and by 1870 had swelled to approximately 39,040. This unparalleled growth can be directly credited to the canal and the resolution of the boundary dispute in Ohio’s favor. If the canal had not been constructed, the development of Toledo would have been greatly retarded. Instead, a great

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trading port grew at the mouth of the Maumee River as shown by the amount of economic traffic between 1842 and 1860.

<table>
<thead>
<tr>
<th>Year</th>
<th>Flour Barrels</th>
<th>Wheat Bushels</th>
<th>Oats Bushels</th>
<th>Corn Bushels</th>
<th>Pork Bushels</th>
<th>Merchandise Pounds</th>
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<td>1842</td>
<td>1,678</td>
<td>12,976</td>
<td>774</td>
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<td>21,709</td>
<td>98,220</td>
<td>23,388</td>
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<td>211,698</td>
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<td>565,711</td>
<td>9,741</td>
<td>30,037</td>
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<td>962,170</td>
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<td>1848</td>
<td>171,872</td>
<td>1,121,491</td>
<td>96,762</td>
<td>1,309,911</td>
<td>33,209</td>
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<td>15,985</td>
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<td>935,936</td>
<td>3,409</td>
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<td>196,839</td>
<td>1,250,355</td>
<td>40,176</td>
<td>2,562,961</td>
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<td>1852</td>
<td>260,898</td>
<td>1,954,718</td>
<td>46,084</td>
<td>3,878,047</td>
<td>31,895</td>
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<td>1853</td>
<td>245,984</td>
<td>1,699,441</td>
<td>36,826</td>
<td>2,369,606</td>
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<td>1854</td>
<td>92,978</td>
<td>396,951</td>
<td>88,414</td>
<td>4,067,676</td>
<td>73,100</td>
<td>7,104,929</td>
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<td>722,896</td>
<td>43,936</td>
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<td>28,605</td>
<td>4,755,197</td>
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<td>76,941</td>
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<td>1857</td>
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<td>62,188</td>
<td>1,005,351</td>
<td>9,991</td>
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<td>149,629</td>
<td>1,347,158</td>
<td>24,808</td>
<td>993,366</td>
<td>6,603</td>
<td>1,887,848</td>
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<td>1859</td>
<td>152,490</td>
<td>765,933</td>
<td>5,915</td>
<td>120,505</td>
<td>7,426</td>
<td>928,225</td>
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<td>1860</td>
<td>149,720</td>
<td>1,161,809</td>
<td>115</td>
<td>1,798,671</td>
<td>3,527</td>
<td>3,782,544</td>
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</table>

Toledo became the premier city of northwest Ohio. The canals also helped to facilitate the draining of the Great Black Swamp and the consequent economic growth for the whole region.  

Less noticeable was the effect readjustment of the boundary had on northwest Ohio counties and communities. The increase in territory to the north caused the northern portions of Henry and Wood Counties to be given to newly created Lucas County in 1835. This resulted in a political crisis in Wood County. Perrysburg, the county seat in 1835, had previously been close to the geographic center of the county, but when land north of the river went to Lucas County and the population began to significantly expand from the river south into the interior it

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became desirable to place the county seat in the geographical center. After a protracted struggle, the seat of justice finally moved to Bowling Green.  

Henry County lost its northern section to Lucas County and then lost another strip along its northern border with the creation of Fulton County in 1850. Henry County did not suffer from a county seat question like Wood Count; Napoleon was centrally placed before resolution of the boundary controversy. This was not the case in Williams County. Defiance, the county seat, already at the extreme southeast corner of the county became even more remote with the addition of territory to the north. This resulted in the state legislature removing the county seat to Bryan in 1840. The citizens of Defiance were so incensed by this that they petitioned Columbus for the creation of their own county. The legislature granted their request and created Defiance County in 1845 with it political center in Defiance – all this at the territorial expenses of Henry, Paulding, and Williams Counties. The removing of two county seats, Perrysburg and Defiance, and the creation of three counties, Defiance, Fulton and Lucas, along with the general improvement of the entire region were the results of the boundary dispute in northwest Ohio.

Meanwhile, some borderland Michigan residents became Ohioans. Most supported the switch. In consequence, Hillsdale, Lenawee and Monroe Counties in Michigan shrunk. The “great flow of ink” of 1835 thus redrew the maps of northwest Ohio and southeast Michigan. People in those areas still live with the results, probably unknowingly.

The Ohio-Michigan boundary controversy was the unwitting creation of Congress through the enactment of the Northwest Ordinance, Ohio statehood and the creation of the

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27 C.W. Evers, *Commemorative Historical and Biographical Record of Wood County, Ohio* (Chicago, J.H. Beers & Co., 1897), 64-65.
Michigan Territory. Ohio tried for thirty years to have Congress correct the mistake of overlapping jurisdictions to no avail, as Congress ignored the problem. The ineptitude of Congress in mediating the dispute resulted in Ohio and Michigan almost coming to blows, which was only prevented through the interference of President Andrew Jackson. The belligerence of both Ohio and Michigan forced Congress to finally address the issue, and after all the years of waiting and wondering, Congress finally determined the boundary line. The effects of the adjustment further highlighted the politics of the Jacksonian era and changed territorial policy for the rest of the century. The failure of the federal government for over thirty years to solve the Ohio-Michigan boundary dispute had caused Ohio and Odle to beat the drums of war for a final resolution.
APPENDIX 1:

THE NORTHWEST ORDINANCE

JULY 13, 1787

An Ordinance for the government of the territory of the United States North West of the river Ohio.

Be it ordained by the United States in Congress assembled, that the said territory, for the purposes of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates, both of resident and nonresident proprietors in the said territory, dying intestate, shall descent to, and be distributed among their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall in no case be a distinction between kindred of the whole and half blood; saving, in all cases, to the widow of the intestate her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be (being of full age), and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however to the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents and the neighboring villages who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance, of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein in 1,000 acres of land, while in the exercise of his office.

There shall be appointed from time to time by Congress, a secretary, whose commission shall continue in force for four years unless sooner revoked; he shall reside in the district, and have a
freehold estate therein in 500 acres of land, while in the exercise of his office. It shall be his duty
to keep and preserve the acts and laws passed by the legislature, and the public records of the
district, and the proceedings of the governor in his executive department, and transmit authentic
copies of such acts and proceedings, every six months, to the Secretary of Congress: There shall
also be appointed a court to consist of three judges, any two of whom to form a court, who shall
have a common law jurisdiction, and reside in the district, and have each therein a freehold estate
in 500 acres of land while in the exercise of their offices; and their commissions shall continue in
force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws
of the original States, criminal and civil, as may be necessary and best suited to the
circumstances of the district, and report them to Congress from time to time: which laws shall be
in force in the district until the organization of the General Assembly therein, unless disapproved
of by Congress; but afterwards the Legislature shall have authority to alter them as they shall
think fit.

The governor, for the time being, shall be commander in chief of the militia, appoint and
commission all officers in the same below the rank of general officers; all general officers shall
be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates
and other civil officers in each county or township, as he shall find necessary for the preservation
of the peace and good order in the same: After the general assembly shall be organized, the
powers and duties of the magistrates and other civil officers shall be regulated and defined by the
said assembly; but all magistrates and other civil officers not herein otherwise directed, shall
during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all
parts of the district, and for the execution of process, criminal and civil, the governor shall make
proper divisions thereof; and he shall proceed from time to time as circumstances may require, to
lay out the parts of the district in which the Indian titles shall have been extinguished, into
counties and townships, subject, however, to such alterations as may thereafter be made by the
legislature.

So soon as there shall be five thousand free male inhabitants of full age in the district, upon
giving proof thereof to the governor, they shall receive authority, with time and place, to elect a
representative from their counties or townships to represent them in the general assembly:
Provided, That, for every five hundred free male inhabitants, there shall be one representative,
and so on progressively with the number of free male inhabitants shall the right of representation
increase, until the number of representatives shall amount to twenty five; after which, the number
and proportion of representatives shall be regulated by the legislature: Provided, That no person
be eligible or qualified to act as a representative unless he shall have been a citizen of one of the
United States three years, and be a resident in the district, or unless he shall have resided in the
district three years; and, in either case, shall likewise hold in his own right, in fee simple, two
hundred acres of land within the same; Provided, also, That a freehold in fifty acres of land in the
district, having been a citizen of one of the states, and being resident in the district, or the like
freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years; and, in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly or legislature shall consist of the governor, legislative council, and a house of representatives. The Legislative Council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the Council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the Governor shall appoint a time and place for them to meet together; and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and, whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly, when, in his opinion, it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office; the governor before the president of congress, and all other officers before the Governor. As soon as a legislature shall be formed in the district, the council and house assembled in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating but not voting during this temporary government.

And, for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory: to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in the said territory and forever remain unalterable, unless by common consent, to wit,
Article the First. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

Article the Second. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land; and, should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, bona fide, and without fraud, previously formed.

Article the Third. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

Article the Fourth. The said territory, and the States which may be formed therein, shall forever remain a part of this Confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and, in no case, shall nonresident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

Article the Fifth. There shall be formed in the said territory, not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and
Article the Sixth. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, that the resolutions of the 23rd of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.
APPENDIX 2:

OHIO 23RD CONGRESSIONAL DELEGATION

<table>
<thead>
<tr>
<th>OHIO CONGRESSIONAL DELEGATION – 23RD CONGRESS</th>
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<tbody>
<tr>
<td><strong>SENATORS</strong></td>
</tr>
<tr>
<td>Thomas Ewing</td>
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<tr>
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<tr>
<td>Thomas Morris</td>
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<td>Democrat</td>
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<td><strong>REPRESENTATIVES</strong></td>
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<tr>
<td>District 1</td>
</tr>
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<td>Humphrey H. Leavitt/Daniel Kilgore</td>
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<td>Democrat/Democrat</td>
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</table>
# OHIO 24TH CONGRESSIONAL DELEGATION

## OHIO CONGRESSIONAL DELEGATION – 24TH CONGRESS

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<thead>
<tr>
<th>SENATORS</th>
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<td>Thomas Ewing</td>
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<td>Thomas Morris</td>
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<td>District 19</td>
<td>Daniel Kilgore</td>
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### ILLINOIS CONGRESSIONAL DELEGATION – 24TH CONGRESS

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<tbody>
<tr>
<td>Elias Kane/William Ewing</td>
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<td>John Robinson</td>
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### INDIANA CONGRESSIONAL DELEGATION – 24TH CONGRESS

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<td>Ratliff Boon</td>
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<td>John Carr</td>
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<td>District 4</td>
<td>Amos Lane</td>
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<tr>
<td>District 6</td>
<td>George Kinnard/William Herod</td>
<td>Democrat/Whig</td>
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<tr>
<td>District 7</td>
<td>Edward Hannegan</td>
<td>Democrat</td>
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AN ACT TO ESTABLISH THE NORTHERN BOUNDARY OF OHIO & ADMIT MICHIGAN INTO THE UNION

JUNE 23, 1836

AN ACT to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the Union upon the conditions therein expressed.

Be it enacted by the Senate & House of Representatives of the United States of America in Congress assembled. That the Northern boundary line of the State of Ohio shall be established at, and shall be a direct line drawn from the Southern extremity of Lake Michigan, to the most northerly cape of the Maumee (Miami) bay, after that line, so drawn, shall intersect the eastern boundary line of the state of Indiana; and from the said north cape of the said bay, northeast, to the boundary line between the United States and the province of Upper Canada, in Lake Erie; and thence with the said last mentioned line to its intersection with the western line of the State of Pennsylvania.

Section 2. And be it further enacted, That the Constitution and state Government which the people of Michigan have formed for themselves be, & the same is hereby accepted, ratified, and confirmed; & that the said state of Michigan shall be, and is hereby declared to be one of the United States of America, and is hereby admitted into the Union upon an equal footing with the original states in all respects whatsoever; Provided always, and this admission is upon the express condition, that the said state shall consist of and have jurisdiction over all the territory included within the following boundaries and over none other, in wit: Beginning at the point where the above described northern boundary of the state of Ohio intersects the eastern boundary of the state of Indiana, and running thence with the said boundary line of Ohio, as described in the first section of this act, until it intersects the boundary line between the United States and Canada in Lake Erie; thence with the said boundary line between the United States and Canada through the Detroit river, Lake Huron, and Lake Superior, to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior, to the mouth of the Montreal River; thence through the middle of the main channel of the said river Montreal, to the middle of the lake of the Detroit; thence in a direct line to the nearest head water of the Menomonie river; thence through the middle of that fork of the said river first touched by the said Menomonie river thence down to the main channel of the same, to the centre of the most usual ship channel of the Green Bay of Lake Michigan; thence through the centre of the most usual ship channel of the said bay to the middle of Lake Michigan, to the northern boundary of the State of Indiana, as that line was established by the act of Congress on the 19th of April, 1816; thence due east with the north boundary line of the said state of Indiana, to the northeast corner thereof: and thence south with the east boundary line of Indiana, to the lace of beginning.
Section 3. And be it further enacted, That as a compliance with a fundamental condition
of admission contained in the last preceding section of this act, the boundaries of the said State of
Michigan, as in that section described, declared and established, shall receive the assent of a
convention of delegates elected by the people of said state, for the sole purpose of giving the
assent herein required, and as soon as the assent herein required shall be given, the President of
the United States shall announce the same by proclamation; and thereupon without any further
proceeding on the part of Congress, the admission into the Union as one of the United States of
America, on an equal footing with the original States in all respects whatever, shall be
considered as complete, and the Senators and Representatives who have been elected by the said
state as its representatives in Congress of the United States, shall be entitled to take their seats in
the Senate and House of Representatives respectively without further delay.

Section 4. And be it further enacted, That nothing in this act contained, or in the
admission of the said state into the Union of the United State of America, upon an equal footing
with the original States in all respects whatever, shall be so construed or understood as to confer
upon the people, Legislature or authorities of the said State of Michigan, an authority or right to
interfere with the sale, by the United States, and under their authority, of the vacant and unsold
lands within the limits of the said state, but that the subject of the public lands, and the interest
which may be given to the said state therein, shall be regulated by future action between
Congress on the part of the United States, and the said state, or the authorities thereof. And the
said state of Michigan shall in no case, and under no pretence whatsoever, impose any tax,
assessment, or imposition of any description, upon any of the lands of the United States within
its limits.
APPENDIX 6:

AN ACT TO ESTABLISH THE NORTHERN BOUNDARY OF OHIO

JUNE 23, 1836

AN ACT to settle and establish the northern boundary line of the State of Ohio.

Be it enacted, &c. That the northern boundary of the State of Ohio, shall be established by, and extend to, a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami Bay; thence, northeast, to the northern boundary line of the United States; thence, with said line, to the Pennsylvania line.

Section 2. And be it further enacted, That the boundary line surveyed, marked, and designated agreeably to “An act to authorize the President of the United States to ascertain & designate the northern boundary of the State of Indiana,” approved March 2d, 1827, shall be deemed and taken as the east and west line mentioned in the Constitution of the State of Indiana, drawn through a point ten miles north of the southern extreme of Lake Michigan, and shall be and forever remain the northern boundary of that State.

Section 3. And be it further enacted, That the northern boundary line ascertained, surveyed, and marked, agreeably to a law of Congress entitled “An act to ascertain and mark the line between the State of Alabama and the Territory of Florida, & the northern boundary of the state of Illinois, and for other purposes,” approved March 2d, 1831, shall be deemed and taken as the line west from the middle of Lake Michigan, in north latitude 42 degrees 30 minutes, to the middle of the Mississippi river, as defined in the act of Congress entitled “An act to enable the people of Illinois Territory to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States,” approved 18th April, 1818, and shall be and forever remain the northern boundary line of said state.
REFERENCES

PRIMARY SOURCES


*Appeal by the Convention of Michigan, to the People of the United States; with other Documents in Relation to the Boundary Question between Michigan and Ohio*. Detroit: Sheldon M’Knight, Printer, 1835.


Clayton, John M. Senate Committee on the Judiciary. Bill to Settle and Establish the Northern Boundary Line of the State of Ohio. 23rd Congress, 1st Session, 1834.

Senate Committee on the Judiciary. To whom were referred a bill to settle and establish the northern boundary line of the State of Ohio, and a joint resolution on the subject of that line. 24th Congress, 1st Session. Washington D.C.: Gales & Seaton Print, 1836.


_____. *Special Message of Governor Lucas to Both Branches of the General Assembly of Ohio, Made in Pursuance of the Third Section of an Act Making an Appropriation to Defray the Expense of Carrying into Effect the Laws in Regard to the Northern Boundary Line; with Accompanying Documents*. 8 December 1835. Columbus: James B. Gardiner, 1835.
Special Message of the Governor of Ohio, Enclosing a Communication from the Secretary of State U.S. n.p. 18 June 1835.


Ohio. *A Resolution Requesting our Senators and Representative in Congress, to Procure a Law Establishing the Northern Boundary Line of this State*. Statutes. 1807.

Resolution on the Subject of Appointing Commissioners for Ascertaining, Running and Marking the Western and Northern Boundary Lines of the State of Ohio. Statutes. 1809.

Resolution, Instructing our Representatives in Congress to Procure a Law Designating the Northern and Western Boundary Lines of this State. Statutes. 1811.

Designating the North Boundary of this State. Statutes. 1818.

Designating the North Boundary of this State. Statutes. 1820.

An Act, for the Erection of Certain Counties therein Named. Statutes. 1820.

Memorial to Congress on the Subject of the Boundary Line between the State of Ohio and the Territory of Michigan. Statutes. 1826.

Memorial to Congress on the Subject of the Boundary Line between the State of Ohio and the Territory of Michigan. Statutes. 1827.

Memorial to Congress on the Subject of the Northern Boundary of this State. Statutes. 1831.

Memorial to Congress on the Subject of the Boundary Line between the State of Ohio and the Territory of Michigan. Statutes. 1833.

An Act, Defining the Northern Boundary if Certain Counties within this State, and for other Purposes. Statutes. 1835.

Accepting Certain Propositions made by the Commissioners Appointed by the President of the United States, Relative to the Northern Boundary of this State. Statutes 1835.

To Prevent to Forcible Abduction of the Citizens of Ohio. Statutes 1835.

To Erect the County of Lucas. Statutes. 1835.

Making Appropriation to Defray the Expense of Carrying into Effect the Laws in Regard to the Northern Boundary. Statutes. 1835.


Report of the Joint Select Committee, to Whom were Referred the Governor’s Message and Accompanying Documents, on the Subject of the Northern Boundary. Columbus: James B. Gardiner, Printer to the State, 1835.


The Ohio Gazetteer, or, Topographical Dictionary: Being a Continuation of the Work Originally Compiled by the Late John Kilbourn. Columbus: Scott and Wright, 1833.


Way, Willard V. The Facts and Historical Events of the Toledo War of 1835, as Connected with the First Session of the Court of Common Pleas of Lucas County, Ohio. Toledo: Daily Commercial Steam Book and Job Printing House, 1869.

NEWSPAPERS

(Annapolis) Maryland Gazette, 14 May-17 September 1835.

(Baltimore) Niles’ National Register, 12 August 1843.

(Baltimore) Niles’ Weekly Register, 2 May-8 August 1835.

Boston Courier, 28 September 1835.

(Boston) Liberator, 9 May 1835.

(Canton) Ohio Repository, 5 March 1835-6 October 1836.

(Charleston) Virginia Free Press, 30 April-1 October 1835.

(Chillicothe) Ohio Gazette, 15 January 1802.

(Chillicothe) Scioto Gazette, 6 May-7 October 1835.

(Cleveland) Daily Herald and Gazette, 19 March 1838.

(Cleveland) Daily Herald, 10 December 1836.

Cleveland Herald, 17 March 1835.


(Detroit) Democratic Free Press, 22 July 1835.

(Detroit) Free Press, 29 April 1835.

(Gettysburg) Adams Sentinel and General Advertiser, 7 March 1836.

Greenville (South Carolina) Mountaineer, 16 May-23 May 1835.

(Hudson) Ohio Observer, 26 March 1835-22 December 1836.

Huston Courier, 2 March 1837.

(Indianapolis) Indiana Journal, 1 May 1835-22 October 1836.

(Little Rock) Arkansas Gazette, 9 June 1835-29 September 1836.

(Monroe) Michigan Sentinel, 28 February-18 April 1835.
(Montpelier) Vermont Patriot and State Gazette, 18 May-5 October 1835.


New – Yorker, 29 October 1836.

New-York Spectator, 30 July 1835-7 March 1836.

(New York) Workingman’s Advocate, 26 September 1835.

(Norwalk) Huron Reflector, 3 March 1835-18 October 1836.

Norwalk (Ohio) Huron Reflector, 10 December-31 December 1833.

(St. Louis) Commercial Bulletin and Missouri Literary Register, 26 August-14 September 1835.

Toledo Blade, 19 December 1835.

Toledo Gazette, 12 March 1835-2 July 1836.
SECONDARY SOURCES


Campbell, James V. *Outlines of the Political History of Michigan*. Detroit: Schober & Co., 1876.


Dahlgren, Madelene V. “Samuel Finley Vinton.” *Ohio Archaeological and Historical Quarterly*, no. 4 (1895): 231.


Evers, C.W. *Commemorative Historical and Biographical Record of Wood County, Ohio*. Chicago, J.H. Beers & Co., 1897.


George, Mary Karl. *The Rise and Fall of Toledo, Michigan...The Toledo War!*. Lansing: Michigan Historical Commission, 1971.


*History of Sandusky County, Ohio, with Portraits and Biographies of Prominent Citizens and Pioneers*. Cleveland: H.Z. Williams & Bro., 1882.


Miller, Paul I. “Thomas Ewing, Last of the Whigs.” Ph.D. diss., Ohio State University, 1933.


Sheehan, Mrs. Frank J. “The Northern Boundary of Indiana.” *Indiana Historical Society*, vol. 8, no. 6 (1928): 289.


